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The Education of Medieval English Master Masons

LON R. SHELBY

IN a previous study of the roles of master masons in medieval English building, I devoted a brief passage to the education which prepared these men for their multiple duties as architects, administrative officials, building contractors, and technical supervisors of construction.¹ But the particular character and significance of the master masons' education could not be adequately demonstrated in a few remarks, and since this significance is not generally recognized, the present paper attempts to draw out more fully the implications of the subject for the history of medieval architecture and building technology, not to speak of medieval education as such.² Because these men functioned in so many different capacities, one must cast the net widely in order to encompass all those elements which went into their education, and in order to extract at least the major implications which carried over from their training into the performance of their duties. In drawing in the net, however, one must be just as careful to ascertain what did *not* go into making the minds and shaping the technical skills of these men, since this too has important implications for understanding what they accomplished and how they set about doing it.

The first task is to form some idea of the extent to which medieval English master masons were literate. This problem is complicated by the fact that in England during the high Middle Ages Latin, French, and English were spoken, read, and written by at least some people in nearly all levels of society. Thus if one assumes for the moment that a master mason could read and write, one is still faced with the further question of which one or more of these three languages he would have been able to use in written communications.

Before we try to formulate any generalizations, let us compile some of

¹ L. R. Shelby, "The Role of the Master Mason in Mediaeval English Building," *Speculum*, 39 (1964), 388-89.

² Apart from a brief article by John Harvey, "The Education of the Medieval Architect," *Journal of the Royal Institute of British Architects*, 3rd Ser., 52 (1945), 230-233, the subject has been largely unexplored.

the available evidence, beginning with the later period and working backward to less well-documented eras. By the middle of the sixteenth century it was clearly not extraordinary for a building craftsman to be able to write in English. From the year 1546 comes a letter written by John Rogers, a master mason who had risen to the office of surveyor of the works at Boulogne.³ Rogers' holograph reveals an ability to write and even a certain flair in composing letters. But an autograph letter from a master mason is rather unusual, even at this late date. Since documents and correspondence in governmental and business affairs were normally penned by clerks and then signed or sealed by the official concerned, one expects to find little more than signatures of master masons as direct evidence of their handwriting ability. For instance, the sixteenth-century practice of having the master mason and master carpenter certify building accounts of royal works has resulted in a few of these signatures being preserved.⁴ But of course the use of signatures was a relatively late development which only gradually replaced the practice of authenticating a document with a person's own private seal, or at least with his own private mark.⁵

It is difficult to evaluate this signatural evidence, since one can hardly say how representative were these widely scattered examples. Fortunately, there is a series from the middle of the sixteenth century which permits a more satisfactory examination. When the masters and wardens of the carpenters' company of London held court they frequently signed their names or made their marks by way of authenticating the records of the court proceedings. In 1565 the clerk of the company began the practice of identifying these marks by writing the name of the person beside his mark. For each session of the court where authentication was rendered one can tabulate the number of those carpenters who signed their own names, those who merely made their marks, and those whose marks were identified by the clerk. The result shows that an average of forty-three per cent of the carpenters signed their own names during the period 1544 to 1572. This figure probably represents the maximum percentage

³ P.R.O., S.P. 68/15 no. 141. For reproduction of this letter and commentary, see L. R. Shelby, *John Rogers: Tudor Military Engineer* (Oxford, 1967), Pl. 29 and pp. 159ff.

⁴ In the 1539 account book for Sandgate Castle, Kent, Robert Lynsted first signed as warden of the masons (B.M., Harl. MS 1647, 1-62) and then as master mason (pp. 142-176); at Wark Castle, Northumberland, in 1542-43 the master mason, Thomas Pettyt, likewise certified the accounts with his signature (B.M., Harl. MS 1724, fols. 3,7,12^v, 18^v, *et passim*).

⁵ Seals of some well-known master masons have survived: William of Ramsey's is attached to a conveyance of property dated May 29, 1349 (London, St. Paul's Cathedral Library, Press A, Box 6, No. 1), and those of Henry Yevele and Stephen Lote are attached to a building contract of 1395 (P.R.O., E. 101/473/7).

of carpenters who could write at this time.⁶ Since the masters and wardens were elected from the leading figures of the company, they presumably enjoyed at least average, and probably better-than-average, educational opportunities. It is indeed very likely that the percentage of all the carpenters in the company who could sign their names would have been considerably less than the average for the masters and wardens. Furthermore, it should be remembered that learning to write one's name is customarily the first step in acquiring the art of writing. Many people, even in the sixteenth century, must never have gotten very far beyond that step, so that amongst those carpenters who signed their names there were probably some who could write little else.

This figure pertaining to sixteenth-century carpenters may be used as a *terminus ad quem* for the percentage of medieval master masons who could write, since it is extremely unlikely that that figure would have been exceeded in earlier centuries. We may suppose, then, that master masons who had the ability to write constituted a minority, and perhaps a minority of considerably less than forty-three per cent, of all the masters in the craft.

The ability to read was more common than the ability to write, for one might acquire the former skill and not the latter, while the opposite would seldom take place.⁷ Evidence for reading ability on the part of medieval master masons is not lacking, although it is not entirely clear just how it should be interpreted.

Royal writs were occasionally directed to craftsmen from the thirteenth century onward, and in the earlier period these were in Latin. Several such letters from Henry III to his master masons, John of Gloucester and Robert of Beverley, survive in the muniment room at Westminster Abbey. In this same collection there is a letter in Latin to Robert from Richard le Wyte, a quarrier at Purbeck.⁸ French also was widely used for correspondence in England, especially in the fourteenth century. In 1390 the famous master mason, Henry Yevele, received a letter in French from

⁶ These calculations are based on the facsimile reproductions of the signatures and marks which Bowers Marsh included in his edition of the *Records of the Worshipful Company of Carpenters*, Vol. 3, *Court Book, 1533-1573* (Oxford, 1915), 21, 52, 58, 63, 64, 66, 69, 79, 80, 83, 95, 121, 127, 128, 131, 141, 146, 149, 176. I am using the records of the carpenters' company because the earliest existing record book of the London masons' company dates from 1620. See Edward Conder, ed., *Records of the Hole Crafte and Fellowship of Masons* (London, 1894), 53.

⁷ One may, however, cite the curious fifteenth-century case of a goldsmith who was expert in engraving letters, though he could not read them: Sylvia Thrupp, *The Merchant Class of Medieval London, 1300-1500* (Ann Arbor, Michigan, 1948), 158.

⁸ Westminster Abbey Muniments, 15999 (b), (c), (d), (f), (g); and 16000 (b), (c), (d), (e).

an English clergyman who had gone to Rome.⁹ It is reasonable to suppose that Yevele could have read that letter in French, since much of the commercial activity and correspondence of enterprising fourteenth-century Englishmen like Yevele was transacted in the French language.¹⁰ But there is a nagging problem about the use of Latin because of the fact that clerks were so widely employed in the Middle Ages for writing and reading correspondence. It is quite possible that those thirteenth-century master masons, John of Gloucester and Robert of Beverley, could read the Latin letters which Henry III sent to them; but the mere existence of such letters is no categorical proof of their ability to read Latin, since the letters could easily have been translated and read to them by one of the trained clerks who would have been present on the royal building sites where these masons were working.¹¹

Some interesting problems about the literacy of master masons are raised by the languages used in the rather large number of extant medieval building contracts published by L. F. Salzman.¹² Latin and French were about equally employed until around 1400. After this date French declined rapidly and Latin endured a slower eclipse, as English surged ahead to become the only language used by the middle of the fifteenth century.

These contracts often contained technical information regarding size, style, and building procedures with which the master craftsman would need to be thoroughly familiar before undertaking construction. If he were illiterate, it would be necessary for the document to be read to him, which would create little difficulty regarding the fifteenth-century English contracts. But if the contract were in French or Latin, he would either have to understand the spoken language or have the document translated. Regarding the first alternative, an English master mason in the fourteenth-century conceivably could have been illiterate and yet have a working knowledge of spoken French; however, this would have been virtually

⁹ John Harvey, *Henry Yevele*, 2nd ed. (London, 1946), 45.

¹⁰ "French was, in fact, associated with all the phases of daily life of fourteenth-century society which had to find expression in writing. Not only was it the means of registering grievances and recording legal transactions, it was also the medium of correspondence of all classes above the humblest, including the clergy...." Helen Suggett, "The Use of French in England in the Later Middle Ages," *Transactions of the Royal Historical Society*, 4th Ser., 28 (1946), 78.

¹¹ On the other end of this correspondence similar difficulties arise in trying to determine the literacy of kings who issued these writs. See V. H. Galbraith, "The Literacy of the Medieval English Kings," *Proceedings of the British Academy*, 21 (1935), 201-238. It may be noted that in spite of its broad title, J. W. Thompson's *The Literacy of the Laity in the Middle Ages*, University of California Publications in Education, Vol. 9 (Berkeley, 1939), is concerned only with the literacy of kings and nobles before 1200. For the sections on England, see pp. 116-122 and 166-195.

¹² *Building in England down to 1540* (Oxford, 1952), 413-584.

impossible with Latin. There is, of course, no certain way of knowing whether a contract in Latin or French was immediately intelligible to the building contractor. Statistical analysis reveals that more than seventy-five per cent of the Latin contracts were made with those ecclesiastical or university officials who were accustomed to using Latin in their business affairs, while sixty-two per cent of the French contracts were made by private individuals from the feudal or merchant classes. These figures suggest that the language of the contract was more often determined by the customary business language of the patron than by the ability of the building contractor to understand that language. Although the contracts as a whole create the impression that literacy was not an unexpected possession of late medieval master craftsmen, it should not be forgotten that a contract in Latin or French carries no real guarantee in itself that the craftsman could read or understand the language of the contract.

That the written word and ability to read it were assuming a greater significance for medieval masons is suggested by the fact that near the end of the fourteenth century some of the oral traditions of the craft were written down in the English language in two different, though similar forms. One of these, the so-called *Regius MS*, is in verse, the other, the *Cooke MS*, in prose.¹³ Each provides a brief history of the craft, followed by "articles and points of masonry" containing certain customs and regulations for master masons, journeymen, and apprentices. Although both texts were apparently composed by clerics, they were clearly intended for the eyes and ears of masons. Since they were written in English, those masons who were illiterate could understand the texts when they were read aloud. But at one point the author of the *Cooke MS* refers to the fact that "elders that were before us of masons had these charges written to them as we have now in our charges of the story of Euclidius, as we have seen them written in Latin and in French both...."¹⁴ This remark suggests a double interpretation: that Latin and French texts had been at one time (and perhaps still were) intelligible to at least some masons; but that it was now more sensible to put these charges in English in order to give them a wider audience among English masons. This point would correspond with the reason given by the London brewers' craft in 1422 for their decision to keep their records henceforth in English:

¹³ The best edition is that by Douglas Knoop, G. P. Jones, and Douglas Hamer, *The Two Earliest Masonic MSS. The Regius MS (B.M. Bibl. Reg. 17 A1); The Cooke MS (B. M. Add. MS. 23198)*. Publications of the University of Manchester, No. 259 (Manchester, 1938).

¹⁴ *Ibid.*, 91, 93. (Spelling and punctuation modernized).

Whereas our mother-tongue, to wit the English tongue, hath in modern days begun to be honorably enlarged and adorned ... and there are many of our craft of Brewers who have the knowledge of writing and reading in the said English idiom, but in others, to wit, the Latin and French, before these times used, they do not in any wise understand.¹⁵

One other kind of evidence for the literacy of some English master masons may be offered. During the thirteenth and fourteenth centuries the king's master masons were sometimes also appointed as keepers of the works or as comptrollers, which offices required them to "view" or audit the building accounts.¹⁶ This implies not only an ability to read Latin and/or French — the languages of these accounts — but also the possession of basic skills in computation necessary to check the arithmetic of the clerks who compiled the accounts.

It should be clear by now that in the later Middle Ages at least some English master masons were literate in one or more of three languages, although the nature of the evidence makes it impossible to determine with any precision the proportion of masters who could read and write Latin, French, or English.

The next task in reconstructing the education of these men is to survey the kinds of schools and the curricula through which medieval laymen learned to read and write. This will give us some notion of the extent of formal schooling which a master mason might have received, the kind of schooling it would have been, and the significance of this schooling in his overall education.

The cornerstone of the educational system of the Middle Ages was the grammar school, where young scholars were taught to read, write, and even speak Latin.¹⁷ The core of the curriculum thus consisted of

¹⁵ R. W. Chambers and Marjorie Daunt, eds., *A Book of London English, 1384-1425* (Oxford, 1931), 139, quoting the brewers' Abstract Book.

¹⁶ For examples, see Harvey, "Education of the Mediaeval Architect," 232-233; and H. M. Colvin, ed., *The History of the King's Works*. Vols. 1 and 2, *The Middle Ages* (London, 1963), 1, 164. The latter notes that after 1350 the distinction between administrative and technical building officials became more pronounced, so that in the later Middle Ages craftsmen were less likely to be involved in these "clerical" roles.

¹⁷ On medieval English grammar schools, see Foster Watson, *The English Grammar Schools to 1660: Their Curriculum and Practice* (Cambridge, 1908); and A. F. Leach, *The Schools of Medieval England* (London, 1915). These books are now out of date and in need of revision, but apart from Clara P. McMahon's doctoral dissertation, *Education in, Fifteenth-Century England* (Baltimore, 1947), no historian of medieval grammar schools has appeared since the time of Watson and Leach to match the interest which several scholars have displayed for Tudor education. Thus for more up-to-date accounts of the medieval period one must rely upon peripheral remarks and introductory chapters in those studies which concentrate on the sixteenth century: Norman

Latin grammar, which was taught from the ancient books of Donatus and Priscian or from those of medieval grammarians. Whatever the textbook, schoolboys seldom had their own copies because of the great cost of books. Instead, they gradually acquired the book by memory, as the schoolmaster drilled them orally on the text day after day, week after week, year after year. While the boys were thus engaged in the long, slow process of mastering and memorizing grammar rules and vocabulary, they began to read Latin texts, which were approached on something like a graded scale of difficulty.¹⁸ Latin composition and conversation also constituted important elements of advanced studies in grammar school. For these purposes schoolmasters utilized dual-language books, in which passages in the vernacular were provided with model translations into Latin.¹⁹

If the role of the grammar school in the education of medieval master masons is to be properly evaluated, one must also take into account what the grammar schools did not teach. Although in the Middle Ages grammar was broadly interpreted to include the study of literature, in the grammar schools this meant by and large the reading of poetry. Thus large areas of both classical and Christian Latin literature lay outside the ken of the medieval schoolboy. Even more so were branches of learning besides literature ruled out. Whereas in the earlier Middle Ages the cathedral and monastic schools made some effort, feeble though it may have been, to deal with the *quadrivium* (arithmetic, geometry, music, and astronomy) as well as the *trivium* (grammar, rhetoric, dialectic), by the later period the grammar school curriculum was limited to the *trivium*, and generally speaking only to the subject of grammar within that.²⁰ While this may

Wood, *The Reformation and English Education* (London, 1941); T. W. Baldwin, *William Shakespeare's Small Latin & Lesse Greeke* (Urbana, 1944); Kenneth Charlton, *Education in Renaissance England* (London, 1965); and especially the fine chapter on the fifteenth-century background in Joan Simon, *Education and Society in Tudor England* (Cambridge, 1966), 3-58. Simon's criticisms of Leach's book on medieval schools and more especially of his book, *English Schools at the Reformation* (Westminster, 1896), have underscored the need for a new comprehensive study of pre-university schooling in medieval England.

¹⁸ For a general survey of grammar school textbooks, see Paul Abelson, *The Seven Liberal Arts*. Columbia University Teachers College Contributions To Education, No. 11 (New York, 1906), 11-51. Br. Bonaventure, "The Teaching of Latin in Later Medieval England," *Mediaeval Studies*, 23 (1961), 1-20, has analyzed a number of fourteenth- and fifteenth-century grammar books that were specifically used in England.

¹⁹ One of these schoolbooks was recently edited by William Nelson, *A Fifteenth Century School Book from a Manuscript in the British Museum* (Oxford, 1956).

²⁰ This narrowing of the curriculum was noted by John Stow in 1598. Quoting Fitzstephen's twelfth-century account of London schoolboys contending with each other in grammar, rhetoric,

have been a satisfactory preparation for boys who went on to higher studies in the university, it was obviously a curriculum of limited value for those who never had any intention of doing so. Especially was this true for those entering commerce or one of the crafts. A fully trained schoolboy taking up a particular trade still had everything to learn about his chosen occupation; in the acquisition of necessary technical knowledge and skills his education was just beginning.

It should be emphasized that the study of literature was strictly limited to Latin literature. Grammar school students received special instruction in neither the vernacular languages nor their literatures, even after the vernacular had largely superseded Latin as the language of government, business, and literature in the late Middle Ages. Theoretically at least, the grammar school was not even responsible for teaching its scholars the mechanics of reading and writing, whether in Latin or the vernacular. For instance, the statutes of Colet's new grammar school at St. Paul's (1509) stipulated that a child admitted to the school must be able to "read and write competently, else let him not be admitted in no wise."²¹ Doubtless in earlier centuries it was not always possible to maintain these standards, for in small towns and countryside schoolmasters must have been faced at least occasionally with beginning students who had little or no preparation in either reading or writing. Still, medieval grammar schools seem never to have accepted the teaching of the rudiments of reading and writing as a formal part of their curriculum.²²

If it was normal for beginning grammar school students to have at least rudimentary skills in reading and writing, where had they gotten these? The answer varies, for in the Middle Ages there was no uniform way for children to acquire what may be called their primary, as distinct from their grammar school, education. If a child's parents were wealthy, he might be privately tutored.²³ Or he might attend a song school in a cathedral or collegiate church; there he would learn to read the words he sang, though perhaps without quite understanding them, as did the young fellow whom Chaucer caused to remark in *The Prioress'*

and dialectic, he remarked that dialectical disputes had long since been discontinued, although debates on the principles of grammar were still held annually during his own youth. John Stow, *The Survey of London*, Everyman's Library (London, 1912), 66, 68.

²¹ See J. H. Lupton, *A Life of John Colet*, 2nd ed. (Hamden, Conn., 1961 reprint of 1909 edition), Appendix A, p. 277, for the statute in the original spelling.

²² Hilary Jenkinson, "The Teaching and Practice of Handwriting in England," *History*, N.S., 11 (1927), 136.

²³ This seems to have been the practice in the Paston family of Norfolk: H. S. Bennett, *The Pastons and Their England* (Cambridge, 1922), 102-103.

Tale: "I lerne song, I kan but smal grammeere." In the late Middle Ages there were "dame schools" or "petty schools" in every town of considerable size, and there the young child might make his first acquaintance with the arts of reading and writing. These petty schools were directed by a variety of people — local women (perhaps a "poor widow"), the parish priest, chantry priests, or clerics who had not yet obtained benefices.

The curriculum of the petty school centered upon reading and writing in the vernacular, and sometimes there was instruction in the arithmetic necessary for "casting accounts."²⁴ The children were first introduced to reading through the alphabet and certain basic prayers and graces; from these they advanced to lengthier texts in the primer and other service books. In the process they learned to read in the vernacular and even made a beginning in Latin before moving up to grammar school, where they concentrated henceforth upon reading, writing, and speaking Latin. There was no rigorous age schedule by which children proceeded from one of these educational levels to the next, but it seems that on the average boys attended primary school between the years five and eight, grammar school between eight and fourteen or fifteen, and the university at any age from fourteen onward.²⁵

After this brief survey of primary and grammar school education, we may try to ascertain the level of schooling that medieval English master masons might have been expected to reach. This is admittedly a difficult task because so little is known about the early life of even the most famous of these men: it is only after they had become actively engaged in the masons' craft that their careers can be traced in the contemporary records relating to building construction. Nevertheless, certain inferences can be drawn from the nature of their work and their social status which will give at least a general answer to the question. For example, one may confidently rule out the likelihood that master masons would have attended a university. The curriculum there contained very little, if anything, of interest or use to a master mason in the technical aspects

²⁴ This curriculum is outlined in the title which the Tudor pedagogue, Francis Clement, gave to his manual for petty school teachers: *The Petie Schole with an English Orthographie, wherein by rules lately prescribed is taught a method to enable both a childe to reade perfectly within one moneth, & also the vnperfect to write English aright. Hereto are newly added 1. verie necessary precepts & patterns of writing the Secretary & Romaine hands, 2. to number by letters, and figures, 3. to cast accomptes, etc.* (London, 1587). This book has been reproduced in facsimile by Robert D. Pepper, ed. *Four Tudor Books on Education* (Gainesville, Florida, 1966), 49-141.

²⁵ Cf. John Lawson, *A Town Grammar School through Six Centuries: A History of Hull Grammar School* (London, 1963), 36; and Hastings Rashdall, *The Universities of Europe in the Middle Ages*, new ed. by F. M. Powicke and A. B. Emden (London, 1936), III, 352-353.

of his work. To be sure, a couple of ancient books might have been relevant, but one of these, Vitruvius' *De architectura*, formed no part of university studies; the other, Euclid's *Elements*, held a recognized place in the *Quadrivium*, but the arts student was only required to hear five weeks of lectures on the first six books, and this brief course came rather late in his undergraduate studies.²⁶ University studies and degrees were oriented towards philosophy, theology, law, and medicine; since the study of these subjects was not considered to be a prerequisite for the well-educated architect in the Middle Ages, as Vitruvius had argued in ancient times and Leon Battista Alberti would again claim during the Renaissance, there was no incentive for the young man who wished to become a builder to contemplate university studies as part of this training. Indeed, a university degree would have removed the desire if not the opportunity to become an "architect" in the medieval tradition, since this degree opened up career opportunities that were considered to be above that of the master builder. In the Middle Ages the master mason, even in his role as architect, was regarded as a skilled craftsman. It is well known that medieval schoolmen considered craftsmen to be engaged in mere mechanical arts, which ranked in the scholastics' scale of values well below their own concern with arts and sciences that were theoretical or practical.²⁷

While the university curriculum itself offered nothing to medieval master masons, there was at Oxford in the fourteenth and fifteenth centuries a form of business education that came closer to their interests. Drafting legal and business documents and correspondence in Latin and French was a technical affair that required special training, which boys and young men could get at Oxford in a course of studies that came after grammar school, but that did not constitute part of the formal university curriculum.²⁸ This program sounds as if it would have been useful to master masons who became building contractors or administrators, yet there is little reason to suppose that they went through it. The widespread

²⁶ James A. Weisheipl, "Curriculum of the Faculty of Arts at Oxford in the Early Fourteenth Century," *Mediaeval Studies*, 26 (1964), 161, 171.

²⁷ See *The Didascalicon of Hugh of St Victor: A Medieval Guide to the Arts*, trans. Jerome Taylor. Records of Civilization Sources and Studies, No. 64 (New York, 1961), 55-56 and 75; and St Bonaventure, *De Reductione Artium ad Theologiam*, Introd. and trans. Sister E. M. Healy. Vol. 1 of *Works of Saint Bonaventure*, ed. P. Boehner and F. Laughlin (Saint Bonaventure, New York, 1955), 20-21. Cf. M. D. Chenu, "Arts 'mécaniques' et œuvres serviles," *Revue des sciences philosophiques et théologiques*, 29 (1940), 314-315.

²⁸ See H. G. Richardson, "Business Training in Medieval Oxford," *American Historical Review*, 46 (1941), 259-280; and *idem*, "An Oxford Teacher of the Fifteenth Century," *Bulletin of the John Rylands Library*, 23 (1939), 436-457.

use of clerks relieved the master mason, even in his business capacities, from the necessity of drafting letters and other instruments of business, so that once again the incentive for a craftsman to pursue such a course of studies would have been minimal.²⁹ In fact, a boy who did so would be far more likely to end up as clerk of the works rather than as master mason.

One cannot be so categorical regarding the role of primary and grammar schools in the education of the master mason. Literacy in English was becoming a relatively widespread phenomenon among the laity in the later Middle Ages.³⁰ Since there is no reason to argue that masons as a whole constituted an exceptional class of laymen in this matter of literacy, one may suppose that from the fourteenth century onward a good many, if not most, master masons would have enjoyed at least a primary education, in which they acquired the rudiments of reading in English. Some of these would have gone on to grammar school for a year or two or more of Latin studies. Whether or not a boy attended grammar school depended to a large extent on his father's social and economic status. In the towns wealthy merchants and craftsmen regularly sent their sons to grammar school at their own expense; poor boys could go only if they won a free place endowed by some benefactor.³¹ Now some late medieval master masons certainly acquired sufficient wealth to send their sons to grammar school, if they so desired. But scarcely any personal documents other than wills of these men have survived, so that one cannot bring forward evidence to the effect that they did or did not normally send their sons.³² This is hardly more than a guess, but I would suggest that if a master mason pressed a full grammar school education upon his son, it was probably to prepare him for the university, so that he could move into a career greater in status than that of his father.³³ On the other hand,

²⁹ Bennett, *Pastons and their World*, 116, has argued that whenever possible people used scribes to write letters for them, even if they themselves were capable of writing.

³⁰ See J. W. Adamson, "The Extent of Literacy in England in the Fifteenth and Sixteenth Centuries," *The Library*, 4th ser., 10 (1930), 163-193; reprinted in *idem*, 'The Illiterate Anglo-Saxon' and Other Essays on Education, Medieval and Modern (Cambridge, 1946), 38-61.

³¹ Thrupp, *Merchant Class*, 158-161; this was still true in the sixteenth century: Leach, *English Schools at the Reformation*, 109; and Simon, *Education and Society*, 373-374.

³² Whereas the wills of merchants not infrequently reserved funds to be used for the schooling of their sons (Thrupp, *Merchant Class*, 160), I have found no such instances in masons' wills. Stipulations relating to apprenticeship, however, are fairly frequent in the fifteenth and sixteenth centuries; see the examples in W. J. Williams, "Wills of Freemasons and Masons," *The Masonic Record*, 16 (1935-36), 104, 171, 204, 205, and 223.

³³ John Harvey, *The Gothic World* (London, 1950), 47, has noted three instances of sons of master masons and carpenters who went up to Oxford and took a degree; but it is significant that, so far as we know, none of them returned to make a career in building and architecture.

many men who became master masons were not the sons of masters. If they came from poor or lowly origins, the likelihood of their having attended grammar school is considerably diminished.

It remains now to evaluate the significance of formal schooling in the education of the master mason. For those masters who were entrepreneurs — building contractors, merchants of building materials, manufacturers of ready-made monuments — the ability to read the documents and correspondence involved in their business transactions was obviously a useful skill. But as we have seen, it was not an absolutely necessary one, since there were always clerks available who could read and write for those who could not. Nor would there have been any great stigma, social or business, applied to a contractor who possessed only limited book-learning; the important point was whether or not he could get the job done, and for that he needed little or no literacy. The technical knowledge and skills required for building construction were not acquired in formal schooling; indeed, our review of the curriculum from the petty school to the university has revealed that nowhere along the way did the child engage in studies that would be directly applied by the master mason as architect, contractor, or supervisor of construction. This remark would even be true of his schooling in arithmetic, for the simple exercises in adding and subtracting that were sometimes taught in primary school had little to do with the calculations required in building construction. Even the masons' much-vaunted knowledge of geometry was not acquired in formal schooling, since the study of that science came at a higher level of education than masons would reach.³⁴

Nor would literacy have been very important in acquiring technical knowledge outside of formal schoolwork, for there were practically no books available which contained the kind of information needed by a master mason in his work. Vitruvius' *De architectura* does not appear to have been widely read in the high Middle Ages, even by learned Latin scholars, much less semi-learned or illiterate master masons.³⁵ Passages which medieval encyclopedists devoted to the building crafts contained only a minute portion of the technical knowledge required by a practicing builder.³⁶ There was one book, however, which stands quite apart from

³⁴ These points will not be elaborated here, for they are to be developed in a separate study on the mathematical knowledge of medieval master masons.

³⁵ This is indicated by the small number of citations to Vitruvius in medieval authors that could be mustered up by Herbert Koch, *Vom Nachleben des Vitruv.* Deutsche Beiträge zur Altertumswissenschaft, Heft 1 (Baden-Baden, 1951), 15-16.

³⁶ See Isidore of Seville, *Etymologiarum sive Originum Libri XX*, ed. W. M. Lindsay (Oxford, 1911), Lib. XIX, cap. viii-xix; and Vincent of Beauvais, *Speculum maius*, Vol. 2, *Speculum Doctrinale* (Douane, 1624; reprint Graz, 1965), Lib. XI, cap. xiii-xxvi.

these scholastic treatises. In the thirteenth century a French master mason, Villard de Honnecourt, put together a book of drawings relating to sculpture, figure drawing, architecture, stereotomy, carpentry, surveying, and mechanical inventions — in short, the kinds of subjects and problems of interest to a master builder like himself. On one of the early folios he penned the following inscription:

Villard de Honnecourt greets you and begs all who will use the devices found in this book to pray for his soul and remember him. For in this book will be found sound advice on the virtues of masonry and the uses of carpentry. You will also find strong help in drawing figures according to the lessons taught by the art of geometry.³⁷

It is clear from this "preface" that the book was intended for eyes other than his own. The editor of the critical edition of this sketchbook suggested that it was preserved as a lodgebook (*Bauhüttenbuch*) which was commented upon and studied by later generations of masons.³⁸ Another scholar has even more emphatically asserted that this "book of samples developed into a textbook encompassing everything that a Gothic architect needed to learn."³⁹ If taken literally, this last remark misrepresents the character of Villard's book and grossly underestimates what a medieval builder had to know, for even the many suggestions or "rules" given by Villard constituted only a fraction of the technical knowledge that any accomplished master mason carried around in his head. Fascinating as Villard's book is for the insights which it gives into the mind of a thirteenth century master mason, and intriguing as the idea is that it became a lodgebook studied by later generations of masons, still it remains a unique instance of such a work from that period of "High Gothic." Those who would argue that it is merely one of a species that has otherwise disappeared have the burden of proof on their shoulders. Certainly there is no evidence that any such "textbooks" circulated in England during the Middle Ages.⁴⁰ There is not even anything in England to compare with the

³⁷ Translation of the French passage by Theodore Bowie, ed., *The Sketchbook of Villard de Honnecourt*, 2nd ed. (Bloomington, 1962), 7.

³⁸ H. R. Hahloser, ed., *Villard de Honnecourt: Kritische Gesamtausgabe des Bauhüttenbuches ms. fr. 19093 der Pariser Nationalbibliothek* (Vienna, 1935), 199, 238-239.

³⁹ Paul Frankl, *The Gothic: Literary Sources and Interpretations through Eight Centuries* (Princeton, 1960), 36.

⁴⁰ There is a late fourteenth-century sketchbook reproduced by M. R. James, "An English Medieval Sketch-Book, No. 1916 in the Pepysian Library, Magdalene College, Cambridge," *The Walpole Society*, 13 (1924-1925), Pls. I-XXIII. Although it contains a design for a three-light window and two cross-sections of moldings (Pls. XVIIb, XXb, and XXIb), the book otherwise consists of sketches and studies of the human figure, clothed and nude, and of a great variety of animals and birds. James found "it quite difficult to formulate any view as to what sort of

publication in Germany, in the late fifteenth and early sixteenth centuries, of four small books written by German master masons.⁴¹ Composed in the vernacular, these books constituted the kind of technical treatises that a practicing builder would have found useful in his work. One wonders why several such books appeared in a relatively brief period at the close of the Middle Ages. Two factors may be considered. Coming after the invention of printing and the consequent reduction in the cost of books, they perhaps reflected a growing interest in the dissemination of technical information through books that could be produced at prices attractive to men in the building trades. Secondly, the growth of literacy among the laity in the fifteenth century, as true of Germany as it was of England, made possible the dissemination of such information through books. In brief, it is likely that the acquisition of literacy on the part of building craftsmen created the demand for technical literature, and not the other way around.⁴²

After this extended discussion of literacy, schools, curricula, and the part these played in the education of medieval master masons, we are prepared to deal with an important question in the architectural history of the Middle Ages, namely, in what ways and to what extent did master masons share in the learning of the scholastics? This question has been made critical by the fact that medieval building craftsmen left very little written record of their own ideas and attitudes towards their work; consequently, historians of medieval architecture have repeatedly turned back to the scholastic literature in order to fill this gap in the record.⁴³ It is all very well to cite Augustine, Boethius, Thierry of Chartres, Alan of Lille, Peter Abelard, Bernard of Clairvaux, Hugh of St Victor, Alexander of Hales, Thomas Aquinas and others as the thinkers who provided the

atelier it was which used this book" (p. 16), but it was clearly not that of a master mason. Furthermore, the only explanatory inscriptions are a few words such as "a catte," "a hors," "a chepe," that were inserted to identify a small proportion of the animals and birds. It thus can hardly be considered a *textbook* even in the way that one might think of Villard's book.

⁴¹ For bibliographical references and summaries of their contents, see Frankl, *The Gothic*, 144-153. Paul Booz, *Der Baumeister der Gotik* (Munich, 1956), 80-104, provides a more detailed and critical analysis of these books.

⁴² Perhaps it should be noted for those not familiar with the *Cooke* and *Regius MSS*, that the "articles and points of masonry" contain no technical information on building and architecture, but deal instead with the social-economic conditions and institutional forms of the craft.

⁴³ Some of the more notable recent examples are Hans Sedlmayr, *Die Entstehung der Kathedrale* (Zurich, 1950); Günther Bandmann, *Mittelalterliche Architektur als Bedeutungsträger* (Berlin, 1951); Erwin Panofsky, *Gothic Architecture and Scholasticism* (Latrobe, Pa., 1951); and Otto von Simson, *The Gothic Cathedral: Origins of Gothic Architecture and the Medieval Concept of Order*, Bollingen Series 48 (New York, 1956).

intellectual milieu in which Gothic architecture came into being.⁴⁴ But if the historian is to use the learned ideas of the scholastics in trying to reconstruct the thought-world of the craftsmen — the masons and carpenters, plumbers, glaziers, and smiths — who actually designed and built the cathedrals, he must at least face the question of how these craftsmen would have gotten access to the ideas of those scholars.

As we have seen, they could hardly have had any contact in the classroom with scholastic thought, since master craftsmen did not attend universities, and grammar schools did not concern themselves with the objectives and problems of the university schoolmen. But a grammar school education did produce literacy in Latin, and it might be argued that a master mason who had benefited from this education could read the works of the scholastics after his formal schooling was ended. While this possibility obviously cannot be categorically ruled out, there are serious objections to it. The price of books before the invention of printing was extremely high, even for the artistically unadorned textbooks and treatises written and used by the schoolmen.⁴⁵ It is unlikely that any but the highest paid master masons would have been able to purchase these oftentimes massive scholastic tomes. On the other hand, it is difficult to suppose that building craftsmen would have been given access to college, cathedral, or monastic libraries, even if they had requested such permission. Nor is it likely, when one considers the great cost of medieval books, that individual clerics would have loaned books from their private collections to men of the building trades, even to the master masons. Thus it may be seen that medieval masons would have had considerable difficulty in getting access to learned books. But apart from this consideration, can one really suppose that these men would have been interested in snuggling up at night to a fat scholastic treatise, after they had finished a hard day of labor?⁴⁶ What little we know of the reading habits of literate laymen in the later Middle Ages suggests that their interests were largely confined to books of romance and to works of religious devotion and

⁴⁴ As does von Simson, *Gothic Cathedral*, 21ff.

⁴⁵ H. E. Bell, "The Price of Books in Medieval England," *The Library*, 4th Ser., 17 (1937), 330.

⁴⁶ Raymond Irwin, *The Origins of the English Library* (London, 1958), 127, puts the point nicely when referring to the physical handicaps for study in the Middle Ages: "If any protracted course of study must be undertaken mainly in the daylight hours, the only people free to accept such conditions would be, first, professors, tutors and students at the universities; secondly, clergymen, and lastly those men of wealth and leisure whose interests extend beyond administrative business or rural pursuits.... When hours of work were long and holidays rare, when nothing but candle-light could illumine the darker hours, then only the leisured few could well afford the means of study."

piety — the latter not being the heavier theological treatises produced by the scholastics.⁴⁷

Yet by naming all the obstacles that would have detained a medieval master mason from reading scholastic treatises, one should not be led to the conclusion that these men had no contact with the ideas contained in those books. The parallels between the work of the masons and the works of the Schoolmen which Professor Panofsky described in his *Gothic Architecture and Scholasticism* may be overdrawn, but they are too intriguing to be ruled out of hand. The architecture of any age reflects the cultural and intellectual milieu of the period; in the nearly homogeneous culture of the Middle Ages, one would certainly expect to find the pervasive thought of the scholastics making its impact upon those responsible for designing and constructing the buildings — especially the church buildings. But if the masons did not read the works of the Schoolmen, by what other avenues could they have come into contact with their ideas? Someone might suggest that the ideas were simply “in the air” — that those liturgical, theological, and even mystical notions relevant to church building were part of the medieval *Weltanschauung* which more or less permeated the thoughts and emotions of any well-informed Christian. Certainly master masons as members of a religion-imbued society “naturally” acquired many religious ideas and values which shaped their work in building cathedrals and churches. But this common knowledge, available to other laymen as well, simply would not have provided the highly technical (and as some scholars would have it, highly esoteric) information required in the design and construction of a cathedral.

A more likely answer to the question lies in the relationship of the master masons to the patrons of building, particularly ecclesiastical patrons. This was necessarily a close relationship, whether it pertained directly between the master mason and the bishop, abbot, or king, or indirectly through duly appointed ecclesiastical or royal officials. It was close, in the first place, because of the economic and social structure of medieval building. Whatever might be the pecuniary rewards of the master mason — and they were not terribly high relative to other ecclesiastical and royal officials — he was, in fact, an employee of the patron, and not, as in modern times, a professional man “commissioned” to design and supervise the construction of a building. Normally, the master mason remained

⁴⁷ Thrupp, *Merchant Class*, 161-163; H. S. Bennett, “The Production and Dissemination of Vernacular Manuscripts in the Fifteenth Century,” *The Library*, 5th Ser., 1 (1946-1947), 171-172; *idem*, *English Books and Readers, 1475 to 1557* (Cambridge, 1952), 8ff. Cf. the statistics on book bequests in wills compiled by Margaret Deanesley, *The Lollard Bible and Other Medieval Biblical Versions* (Cambridge, 1920), 391-398.

on the jobsite for the duration of the work, although in the later Middle Ages some highly-regarded master masons did assume supervisory or consultative capacities on more than one project simultaneously. There were also technical reasons which kept the master mason close at hand and in constant touch with the patron or his representative. Until the later Middle Ages, the technical proficiency of architectural drawings and building contracts was not such that craftsmen could execute the work on the basis of these drawings and documents alone. It was necessary for the master mason, or at least *his* representative, to assume a constant and close supervision of the workers, in order to assure the completion of exactly what he and his patron had in mind. Because of the technical inadequacy of architectural drawings, the master mason and the patron could not have completely agreed upon the details of the building, or in some instances even the overall design, before construction got underway. Frequent — sometimes daily — consultations between the master mason and the patron or his representative were the normal routine in medieval building.

It was this oral communication between mason and patron that constituted a vital part of the education of medieval master masons. In explaining to his mason what he wanted in the building, the patron would often have found it not only useful but necessary to explain why he wanted the building, or some part of it, constructed in a particular way. The liturgical, theological, and sometimes mystical values which ecclesiastics wanted in their buildings had somehow to be imparted to the master mason before raw building materials could be transformed into monumental expression of those values. Here the crucial relationship of the patron and the master mason becomes evident. Only very exceptionally would the patron have had the technical knowledge necessary for himself to set the masons at work carving and setting the stone. On the other hand, because of his non-literary training, the master mason did not have access to the scholastic treatises in which were elaborated those values that he was expected somehow to incorporate into the very fabric of the building. It was therefore incumbent upon the patron to teach the master mason those values, and upon the master mason to translate them into technical instructions for the craftsmen who actually did the work. Through these conversations with the patron and other learned clerics associated with a building project, an intelligent and perceptive master mason could, over the years, acquire a considerable body of scholastic learning, without ever having picked up a book in which that learning was contained.

In reference to the problem raised earlier, then, it is true that learned scholars like Peter Abelard and Bernard of Clairvaux, Hugh of St Victor and Thomas Aquinas, did create and maintain the intellectual and cultural

milieu in which medieval building took place, and that the values represented in their scholastic treatises did find architectural expression in stone and glass, wood and gold. But the process by which this took place was a subtle and complex one, in which the product of one kind of educational system — that of the grammar schools and the universities — had to be translated and then transmitted through non-literary media into a language of instruction intelligible to those who had been trained in another kind of educational system — that of the building crafts. In this process the roles of the patron and the master mason were mutually supporting, the one depending upon the other to supply what his own educational background and training did not provide.⁴⁸

It need not be supposed, however, that an ecclesiastical patron had to communicate to his master mason every idea or symbolic form that he wished to have incorporated into his particular building. The master came to a project with a wealth of knowledge already at his disposal which qualified him for the work, and which the patron could depend on in a general way to provide the context for his particular ideas. This knowledge had been acquired by the master mason in his contacts with previous patrons, in his earlier experiences as a builder, and perhaps most importantly, in the assimilation of the traditions of his craft. Thus the accumulation of theoretical and practical knowledge which a master mason brought to a particular task was the product not only of his own experiences and contacts, but also of those experiences and contacts of previous generations of craftsmen which were preserved in the traditions of the masons' craft. During the Middle Ages these traditions flowed through the centuries like great rivers bringing to each new age the fluvial deposits of preceding eras. Sometimes the waters settled sluggishly to produce mere reiterations of old ideas and practices; sometimes they flooded forward, drowning older patterns and making possible the growth of new forms. The craft traditions thus maintained continuity with the past while at the same time allowing developments out of and away from that past. It is this characteristic, I believe, which largely accounts for the great vitality of medieval architecture.

In suggesting that the bulk of technical knowledge and skill was maintained and disseminated through the traditions of the building crafts, we come to the heart of the medieval master mason's education — his training in the traditions of his craft.

The institutional and economic aspects of apprenticeship in the medieval

⁴⁸ In this symbiotic relationship is to be found the answer to the long-debated, and still much misunderstood, question of who actually designed medieval churches. But this is not the place to elaborate the point, which I intend to do in a separate paper.

masons' craft were thoroughly studied by Douglas Knoop and G. P. Jones more than thirty years ago, and there seems little reason for disputing their basic conclusions, which may be summarized as follows.⁴⁹ The number of masons continually residing in medieval towns was small because most construction work, apart from town walls and churches, was in timber rather than stone. Masons were more often drawn to the countryside to work on abbeys or castles, and this produced an itinerant craft that could not easily be fitted into the localized guild system of the towns. Furthermore, because of the large scale of many royal and ecclesiastical building projects, the masons' craft early lent itself to capitalistic organization in which masons and laborers were hired directly by the building patron, or else the work was contracted out to entrepreneurial masons who employed whatever number of men they needed to do that particular job. These material and economic factors profoundly affected the arrangements for training young men in the craft. In the town-centered craft guilds apprenticeship normally took the form of an indenture, in which a master craftsman agreed to train an apprentice in the master's own shop and to provide him with food, clothing, housing, and perhaps a bit of formal schooling and/or moral instruction, but very little money during the period of apprenticeship. But these same conditions could not easily be offered in the itinerant masons' craft, where the normal arrangement was for the masons — apprentices, journeymen, and often even wardens and masters — to receive wages while they were employed on a particular project. A wage-earning apprentice would very likely, however, be a financial loss to someone during the early years of this training, unless he were paid extremely poorly. Yet recorded instances of apprentices' pay indicate that they were paid at least half the rate for a journeyman mason. It was primarily for this reason, Knoop and Jones believed, that many masons in the later Middle Ages did not enter the craft through a formally indentured apprenticeship. Instead of this institutionalized arrangement, masons were often taught the trade by a father, brother, or uncle; or else they began as a laborer in a quarry or on a construction site and gradually worked their way into the ranks of the masons, as they became familiar with the rudimentary skills and knowledge required by the lower echelons of working masons and quarriers. Medieval building records reveal numerous specialized terms referring

⁴⁹ Douglas Knoop and G. P. Jones, "Masons and Apprenticeship in Mediaeval England," *Economic History Review*, 3 (1931-1932), 346-366; *idem*, *The Mediaeval Mason* (Manchester, 1933), 160-168. For discussions of medieval craft apprenticeship in general, see O. J. Dunlop, *English Apprenticeship & Child Labour: A History* (New York, 1912), 27-49; and E. Lipson, *The Economic History of England*, Vol. 1, *The Middle Ages*, 12th ed. (London, 1959), 309-326.

to masons — hewers, setters, wallers, paviors, roughmasons, and freemasons, to name but a few.⁵⁰ These terms generally referred to different kinds of work that merited different rates of pay, depending upon the level of skill required for the particular task. Masons could and did rise in their craft by mastering the skills of one level before advancing to the next, until they eventually arrived at the top. The whole process need not have involved a formal indenture of apprenticeship.⁵¹

It should be remembered, after all, that apprenticeship in any craft in England was an institutional form dating only from the thirteenth century, and that masons had been learning their trade for centuries before they began to utilize this formal arrangement in their own craft. The introduction of indentured apprenticeship during the fourteenth century probably had little effect on the actual process of training journey-men masons, for they continued to acquire knowledge and skill in their craft as they had for centuries — by learning the tricks of the trade which older masons revealed to them through word of mouth and sleight of hand. The author of the *Cooke MS* noted this age-old tradition by which the accomplished mason taught the less-skilled, whether the latter was an apprentice or not: "The ninth point: if he be wiser and subtler than his fellow working with him in his lodge or in any other place, and he perceive it that he should lose the stone that he works upon for default of conning, and can teach him and amend the stone, he shall inform him and help him that the more love may increase among them and that the work of the lord be not lost."⁵²

One feature of apprenticeship noted by Knoop and Jones deserves special attention. They found that practically every recorded example of an apprentice mason was connected in some way or another with a known master mason. If it was not necessary, and perhaps not even normal, for journeymen masons to have served an indentured apprentice-

⁵⁰ See Knoop and Jones, *Mediaeval Mason*, 81-88.

⁵¹ The plausibility of Knoop and Jones' suggestions about the training of young masons in the Middle Ages may be illustrated from my own experiences, if the reader will permit. Growing up in a family of masonry contractors, I first began working on construction jobs during the summer at the age of twelve, as a waterboy. For the next two summers and during other school holidays I worked as a laborer. At fifteen I became an apprentice bricklayer and at nineteen a journeyman. When I was twenty-one my father made me foreman over fifteen bricklayers on one of his jobs. Because I did not attend an apprentice or trade-school, my entire training as a bricklayer took place on the job and in discussions with my father and uncles, all of whom had been working masons before becoming contractors. Although I did serve an indentured apprenticeship, this was because my father was a union contractor. Had he been non-union, my training as a bricklayer would have followed quite the same line of development, except that it would not have involved the formality of an indentured apprenticeship.

⁵² Knoop, Jones, and Hamer, *Two Earliest Masonic MSS.*, 127, 129.

ship, does this imply that young men apprenticed to master masons were being specially trained to become master masons themselves?⁵³ In an attempt to answer this important question, several considerations should be brought forward. The general lack of information on the early lives of medieval master masons makes it impossible to offer empirical evidence to the effect that they were normally apprenticed to a master mason in their youth. On the other hand, there is no legislation from within or without the craft which suggests that a man had to serve an apprenticeship before he could become a master mason. Nor could a master mason's apprentice lay claim to any guarantee that he would someday become a master mason. Upon finishing his apprenticeship he was expected to work as a journeyman like everyone else, and only time would tell whether he would rise to the position of master. Finally, while the "articles and points of masonry" in the *Cooke* and *Regius MSS* have a good deal to say about master masons and their apprentices, they nowhere state that these apprentices were being specifically trained to become master masons. The third, fourth, fifth, and sixth articles deal with the length of apprenticeship, the legal status of the apprentice, his pay during the time of his indenture, and his physical condition.⁵⁴ The thirteenth and fourteenth articles apply more directly to the question at hand:

The thirteenth article, so God me save,
Is if that the master an apprentice have,
Entirely then that he him teach
And measurable points that he him reach,
That he the craft ably may con
Wheresoever he go under the sun.

The fourteenth article by good reason
Showeth the master how he shall done,
He shall no apprentice to him take
But divers cures he have to make,
That he may within his term
Of him divers points may learn.⁵⁵

While the master mason was clearly responsible for imparting to his apprentice the knowledge of "divers points," I see no implication here that these points formed a body of knowledge specifically limited to master masons and their apprentices, which the rest of the masons were unex-

⁵³ Knoop and Jones, "Masons and Apprenticeship," 359, cautiously answered the question in the affirmative; although John Harvey, "Education of the Mediaeval Architect," 230-231, did not ask this question directly, the affirmative answer seems to be implied by the position which he takes on the special education of the medieval architect.

⁵⁴ Knoop, Jones, and Hamer, *Two Earliest Masonic MSS.*, 111-115.

⁵⁵ *Ibid.*, 118. (Spelling and punctuation modernized.)

pected, or even unentitled, to possess. To medieval masons, the masters of their craft were those men who possessed the greatest knowledge and skill in masonry. The author of the *Cooke MS* indicated this when, in describing the ancient origins of the craft, he put into the mouth of Euclid the following charge to the masons: "... and also he that were most of conning should be governor of the work and should be called master."⁵⁶ In order to design a cathedral or castle a master mason had to know more, indeed a great deal more, than the average mason working under him. But this knowledge was not of a totally different order from that of the working mason; it was, as we shall see later, rather an extension of the skills and knowledge which the cutting and setting masons had to possess in order to carry on their work. The point here is that the art of designing buildings and the task of organizing and supervising the labor of the men who would actually construct the buildings were just as much a part of the mason's craft as were the techniques of cutting and setting stones. The sum total of the theoretical and practical knowledge involved in these arts and skills constituted the lore of the craft, the existence of which was independent of any particular men within the craft. However, the master masons as the men "most of conning" obviously possessed a greater share of that lore than either their apprentices or the average journeymen. It was, indeed, by the fact of their possessing a greater share that they "should be governor of the work and should be called master."

If to become a master mason one must acquire an intimate knowledge of the full traditions of the craft, how better to do this than through apprenticeship to another who was already a master of those traditions? It was natural for ambitious young men in the craft to get themselves apprenticed to a master mason; conversely, those masters who were concerned for the future of the craft sought able and energetic young men to whom they could impart their own knowledge and experience of the trade. Whenever circumstances produced the happy combination of a master willing to teach and an apprentice anxious to learn, doubtless the chances were greatly increased that this apprentice would eventually become a master mason. Here we come to the nub of the above-mentioned question concerning masters and apprentices. While not every apprentice of a master became in time a master himself, those young masons who studied directly under a master mason surely enjoyed a great educational advantage over those who did not. It would not therefore be at all surprising, if statistics were available, to find that a large percentage of late medieval master masons had been apprenticed to a master in their youth.

⁵⁶ *Ibid.*, 97. (Spelling modernized.)

However, we should again remind ourselves that indentured apprenticeship was an institutionalized form of education adopted by the masons only in the later Middle Ages. It may be wondered whether this form affected the content of the instruction given by a master mason to his protégé any more than it did that given by the journeyman to the inexperienced mason working at his side. The "articles and points of masonry" clearly show that masons — both masters and fellows — were bound by the customs of the craft to teach what they knew about the art of building to the next generation of masons, and this had been the custom for centuries before apprenticeship became the institutional form in which this teaching took place. Furthermore, it need not be thought that the master mason's teaching responsibilities were entirely limited to the novices. On larger projects the master mason was often assisted by a warden or undermaster, who directed the work when the master was away from the site. In order to do this the warden had to become thoroughly familiar with the architectural ideas and the building plans of the master. This close contact of the warden with the master — through whom so much experience could be acquired vicariously and so much information readily obtained — was doubtless of great benefit in preparing an ambitious mason for the day when he might become a master mason in his own right. Thus a mason who had missed the opportunity of apprenticeship to a master in his youth might yet acquire the necessary knowledge and skill as he worked his way up through the ranks of the craft.

The education of a master mason involved contact not only with the fellows of his craft — journeymen and masters — and with the patrons of building — ecclesiastical, royal, and feudal — but also with the monuments of the past and present which he had the opportunity to study. In an age when a journeyman mason might hope someday to become the architect of a cathedral, that mason, if he were ambitious and clever, would give much greater attention than does the modern construction worker to the architectural as well as the constructional aspects of his work. Indeed, a medieval mason anxious to learn his craft thoroughly would be puzzled by our modern distinction between the two, since design was as much a part of his craft as was execution. Thus practically every project which a mason worked upon provided opportunities to learn new solutions to technical problems of construction, or new architectural forms in the details or in the overall design of the building. The *Wanderjahr* was not an institutionalized part of the English mason's training, but undoubtedly an important element in his education came from his contact with "foreign" masons and monuments as he travelled and worked in different parts of the country. Indeed, the problems of "diffusion of style" and of "influence" are inextricably involved in the question of how masons

of one area could have made contact with ideas and forms used by masons in another area.⁵⁷ Here again we think of Villard de Honnecourt, whose Sketchbook offers such a marvelous insight into the ideas and visual perceptions of a thirteenth-century master mason as he studied the works of predecessors and contemporaries on his travels through France.

It has seemed necessary to discuss the education of the master mason at some length, in order to combat what seem to me to be two mistaken attitudes towards the medieval masons' craft. One is the conviction that there was in the Middle Ages "the masons' secret," which if only it could be discovered would allow one to decipher easily the inner meaning of medieval architecture.⁵⁸ I remain unconvinced of this thesis. There were a thousand — ten thousand — "secrets" or "tricks of the trade" which a master mason needed to know in order to design and supervise the construction of a cathedral or a castle. In point of fact, many medieval craft guilds besides the masons had their "secrets." While these could involve technical knowledge which the craft wished to monopolize, the secrets also consisted of non-technical information, opinions, or decisions which the closed society of the guild wished to keep to itself for a variety of reasons. The latter kind of secret, for instance, appears to be the intent of the third point in the "articles and points of masonry", which the author of the *Cooke MS* renders thusly: "The third, that he can hele [cover; keep secret] the counsel of his fellows in lodge and in chamber and in every place thereas masons be." The author of the *Regius MS* expands the point and specifically applies it to the apprentice, but he still leaves the impression that these secrets were generally non-technical, privately-offered "counsels" which were not to be gossiped about by the apprentice :

The third point must be several
With the apprentice, know it well,
His master's counsel he keep and close,
And his fellows, by his good purpose.
The privacies of the chamber tell he no man,
Nor in the lodge, whatsoever they done.
Whatsoever thou hear, or see them do,
Tell it no man, wheresoever thou go.
The counsel of hall and eke of bower
Keep it well, to great honor,

⁵⁷ For general discussions of the problem and attempts to define specific instances of influence, see Jean Bony, "French Influences on the Origins of English Gothic Architecture," *Journal of the Warburg and Courtauld Institutes*, 12 (1949), 1-15; and Robert Branner, "Westminster Abbey and the French Court Style," *Journal of the Society of Architectural Historians*, 23 (1964), 3-18.

⁵⁸ This view has been held by a number of scholars, but perhaps its most capable proponent was Paul Frankl. See "The Secret of the Medieval Masons," *Art Bulletin*, 27 (1945), 46-60; and *The Gothic*, 48-54, 57-86, *et passim*.

Lest it would turn thyself to blame
And bring the craft into great shame.⁵⁹

It is therefore futile to look for *the* secret of the medieval masons, or to suppose that it was a piece of esoteric information which could be transferred from the master mason to his apprentice in some formula, mathematical or verbal. It took years of training and further years of experience to accumulate the vast body of knowledge required by a master mason. This process began the moment a perceptive boy first made contact with the craft — whether it was in the quarry, or amongst the masons on the jobsite, or at the side of a master mason. And it continued through the years as he learned from his fellow masons or from his master the secrets of his craft — the physical qualities of various kinds of stone and mortar; where and how to get just the right kinds for a particular task; how to cut stone into the proper shapes and sizes for an arch, door, window, vault, pillar, shaft, step, stair, or a multitude of other architectural elements; how to organize the work of the masons and those laborers, carpenters, ironworkers, and others who helped them; how to visualize in the mind's eye the overall design of the building while working out the details of its various elements; how to present these to the workmen in the form of sketches on stone, drawings on parchment, molds and models in wood, and full-scale lay-outs in plaster, so that the vision could be realized in the completed structure of stone, mortar, iron, lead, wood, and glass — these were the secrets of the craft, and scarcely a lifetime would suffice to learn them all.

Another misleading attitude of some historians lies in their tendency to interpret medieval architecture primarily within the cultural and intellectual framework of the architectural patrons, without giving adequate attention to the point of view of the craftsmen who actually carried out the work. As the *Cooke* and *Regius MSS* illustrate time and again, this point of view centered upon pride in craftsmanship, upon the joy of building for the sheer skill of it. Established during the long development of the traditions of the craft, this point of view was inculcated into each new generation of masons through their training in those traditions. How can one better explain the ever-increasing technical proficiency of medieval English masonry than by referring to the ever-present desire of the masons to improve upon the techniques which they had received from the past? Medieval architecture is noted for its vitality in developing new forms and in transforming old ones. But this creative urge, this willingness and desire to experiment, owed much to the fact that architecture was a function of craftsmen. Faced with a technical problem, there was in

⁵⁹ Both quotations from Knoop, Jones, and Hamer, *Two Earliest Masonic MSS.*, 120-121. (Spelling and punctuation modernized.)

the skilled craftsman an inherent drive to resolve it. This commitment of the masons to overcome technical building problems, some of which were created by previous solutions to other problems, thus provides one of the most important keys for understanding the ongoing development of medieval English architecture.

The above remarks refer to medieval masons in general, but they particularly apply to the master masons, and that is why the education of these men deserves more attention than it has received from architectural historians. The medieval master mason was a vastly learned man, but his was not the learning of the universities, for it was not to be found in books. Thus it made little difference regarding his particular kind of learning whether he was literate or not. Based upon and living within an oral tradition, his learning lacked the bookishness and academism that became the trademark of too many architects after the renaissance of classical forms had swept away those traditions. Closer attention to the education of the master masons would reveal the indissoluble bond between the medieval architect and these living traditions of the masons' craft. There would then be no desire to read back into the Middle Ages modern notions of what a professional architect is and does, nor any attempt to separate the medieval architect from the craft of which he was a part. Instead, one would explore the many possibilities for better understanding medieval architecture through recognition of the fact that designers of stone buildings were masons. For instance, much ado has been made about the great skill which Gothic architects displayed in the modeling of space and volume, and in the modulation of light and shade upon, in, and through the architectural forms which they used. But is not this skill merely an extension, on a monumental scale, of the basic requirements of the stonecutters' art? The young mason apprentice, in cutting a simple voussoir, began to acquire a feeling for form in stone, which gradually extended itself as he learned to shape more and more subtle and complex masses, until at last as a master mason he was able to envisage, plan, and supervise the erection of a vast edifice consisting of a multitude of architectural forms, each of which was built up from individual building blocks not altogether unlike the ones on which he had first begun to acquire his special sensitivity to form. It is not surprising that Gothic architecture should be praised for its organic qualities, when one considers the character of the Gothic architect's education, in which he was led, step by step, from the simplest exercises in his craft to some of the most subtle and sophisticated thinking and feeling in stone that the builder's art has ever seen.

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Social Groupings at the Fair of St. Ives (1275-1302)

ELLEN WEDEMEYER

THE importance of the St Ives fair is well known to medieval historians through the numerous references, in the records of thirteenth- and fourteenth-century English kings, to purchases made there by clerks of the royal wardrobe.¹ Thanks to the studies of Frederick W. Maitland² and Charles Gross,³ we are equally aware of the significance of the St Ives fair court rolls in understanding the operations of the English law merchant. Yet our knowledge of the fair itself, and especially of the people who attended the fair, is slight and superficial. We are amply informed that groups of merchants came from principal cloth and wool producing centers of England and the Continent, but we know little about the ties which bound these men to one another and which governed their associations with other persons at the fair. Greater still is our ignorance of the "other persons," the throngs whose contributions to the workings of the fair, although less dramatic, were equally important.

A knowledge of the communities and individuals constituting a large fair is essential for assessing the ways in which we have traditionally regarded medieval people. We know a great deal about lords and vassals, about craft and merchant guilds, about freeholders and serfs, because most medieval documents classify individuals into particular economic or social categories. Fairs were among the rare medieval institutions which cut across these distinctions. People came to fairs from many stations in life, to pursue many different objectives, and to deal with a variety of friends and strangers. The temporary yet recurrent nature of fairs created social situations which were necessarily broader and more mobile than those which normally surrounded medieval people.

¹ See, for example, *Calendar of Close Rolls* (1234-37), 527; (1237-42), 189, 519; (1242-47), 262; (1247-51), 41; (1266-72), 721; (1288-96), 278; *Calendar of Patent Rolls* (1232-47), 238-9; (1247-58), 308, 364; (1258-66), 213. A brief analysis of the information contained in these royal mandates appears in Lilian J. Redstone's article, "St Ives," in *The Victoria History of the County of Huntingdon* (London, 1932), 2, 216. See also Dorothy Usher, "The Mediaeval fair of St Ives," *Two Studies of Mediaeval Life* (Cambridge, 1955), 73-76.

² *Select Pleas in Manorial and Other Seigneurial Courts*, (London, 1889), 130-160.

³ *Select Cases concerning the Law Merchant* (London, 1908), XXVIII-XXXV, 1-107.

For the fair of St Ives, we have a kind of source-material — the records of the piepowder court — which enables us to grasp the heterogeneous character of its population. Persons generally appear in these records as individuals, identified by surname and given name, rather than as members of any particular class or group. Furthermore, the scope of activities described in these records is broad enough to provide material for extensive analysis. All persons present at the fair came under the jurisdiction of the fair court, and the forms of participation it controlled ran the gamut from trading to brawling, from renting temporary lodgings to policing merchandise at night, from holding elected offices within the mercantile community to serving as pledge for a friend or business associate. For the period between 1275 and 1302, which offers an exceptionally full series of fair court rolls,⁴ some 4500 persons' names appear at least once in these records, and since many names appear in a number of different contexts it is possible to gain considerable insight into the relationships governing the behavior of St Ives fairgoers.

The information contained in the fair court rolls may be complemented through a variety of other documents. In order to more fully identify those persons who attended the fair with the special purpose of selling goods or services, I have consulted the two extant lists of rental fees for commercial sites let by the abbot of Ramsey.⁵ The first of these lists, which dates from 1278, concerns rentals of stalls, vacant lots, booths, and riverside spots for mooring boats. The fees were low, seldom rising above two shillings, and renters, grouped by occupation, were primarily suppliers of basic needs (bakers, fishmongers, butchers, etc.), or skilled independent craftsmen (ironsmiths, goldsmiths, cutters and shearmen of

⁴ I have confined this preliminary study to the late thirteenth century in order to concentrate upon a single generation when the fair was still prosperous and documentation is especially varied and extensive. The decline of the fair began just after 1293, when the number of names in the records drops from an average of 800 per year to 500 per year; basic social patterns among fairgoers were not affected by the fair's decline, however.

The extant court rolls for the period are as follows: P.R.O. SC 2, port. 178, no. 93 (1288), 178/94 (1275), 178/96 (1287), 178/97 (1291), 178/98 (1293), 178/99 (1295), 178/100 (1300), 178/101 (1302). All dates mentioned in this study refer to these fair court records, unless otherwise indicated.

Maitland, *Select Pleas*, has edited selections from the roll of 1275, and Gross, *Select Cases*, has done the same for all the other rolls used here. Both men chose texts with a view toward illustrating the varieties of legal actions treated in the piepowder court. P.R.O. SC 2 178/93 is fragmentary and undated, but Gross' date of 1288 for the first membrane seems entirely accurate. See *Select Cases*, I, n. 1.

⁵ B.M. Add. Rolls 34783 (1278) and 34784 (1286). These two documents have been edited *in toto* by Gross, *Select Cases*, XXXIX-LI.

cloth). The other list, from 1286, deals with more substantial shelters (houses and shops), whose tenants normally paid five shillings or more for fair-time rental. The arrangement for listing names in this document is not occupational but geographical, usually following the location of buildings within the town of St Ives; several references to the *ordo de Beruel*, *ordo seldarum de Coventre*, *ordo Francorum versus campum*, etc., suggest that large-scale cloth and wine-merchants formed a considerable proportion of the men who rented these more expensive buildings. The lists are somewhat incomplete, since for many locations they indicate only a rental fee, with no tenant's name, and since they describe no rentals made by anyone except the abbot of Ramsey.⁶ Taken together, however, these two lists afford a general perspective on rental patterns in St Ives and, of the 257 tenants' names they reveal, 89 can be traced into other documents pertaining to the fair.⁷

Ample material also exists for investigating the background of those participants in the fair who were permanent residents of the town itself. St Ives, together with the near-by hamlets of Woodhurst and Old Hurst, constituted a manor belonging to Ramsey Abbey, and a number of its local court records have been preserved.⁸ Virtually all residents of the manor appear in these records, and since the jurisdiction of the village court was as extensive, in its own sphere, as that of the fair court, the population of St Ives emerges from these records in great detail.⁹ Most of the villages surrounding St Ives also belonged to the abbot of Ramsey, and their surviving court records permit similar analysis for residents who attended the St Ives fair.¹⁰ In addition, the Hundred Rolls of 1279¹¹

⁶ The abbot was certainly the most important lessor of property during fair-time, but a number of St Ives townfolk rented out commercial sites as well. See below, pp 46-48.

⁷ The correspondence of names found on the rental lists with those mentioned in the court records is, of course, most helpful for identifying the commercial background and long-term fair attendance of some fairgoers. The fact that many other names on the rental lists cannot be traced into the court records has in itself no significance, however, because the years of the rental documents (1278 and 1286) do not correspond precisely with the years of any extant court rolls.

⁸ B.M. Add. Ch. 34336 (1292), 39597 (1294), P.R.O. SC 2, 179/7 (1291), 179/9 (1296), 179/10 (1299), 179/11 (1301). Selections from the roll of 1294 have been edited by W. O. Ault, *Court Rolls of the Abbey of Ramsey and of the Honor of Clare* (New Haven, 1928), 221-223.

⁹ For a description of the kinds of activities encompassed by the Ramsey village court records, see J. A. Raftis, *Tenure and Mobility* (Toronto, 1964).

¹⁰ I am indebted to my colleagues for information about the residents of the following villages in the vicinity of St Ives: Holywell-cum-Needingworth and Hemmingford Abbots (Mr E. De Windt); King's Ripton (Mrs A. De Windt); Wistow (Miss P. Hogan); Houghton-cum-Wyton (Mr. B. Dalsin); Abbots Ripton, Broughton, Upwood, and Warboys (Prof. J. A. Raftis).

¹¹ P.R.O. 951 SC 12-8-56. The relevant section for St Ives appears in *Rotuli Hundredorum* edd. W. Illingworth and J. Caley (London, 1818), 2, 603-605.

and the Ramsey *extenta* of 1251¹² describe in general terms the basic tenurial situation in St Ives, and a *gersuma* roll,¹³ which lists persons who paid the *gersuma* or entry fee for long-term rental of houses in the center of town, is especially valuable for its detailed descriptions of commercial sites and their tenants.

These records introduce the historian to social relations among many groups of fairgoers, notably among those persons who attended the fair for commercial reasons. Within this group figured, of course, the cloth dealers from Leicester, London, Ypres and beyond; the wine merchants from Bordeaux and the Rhine; the furriers; the agents of the king. Included as well were the hawkers of pots and pans, the butchers and bakers and dealers in grain, malt, or fish. Yet the list is not exhausted by those who had wares to sell or trade; the services offered for fees at the St. Ives fair were as varied as the products found there. Tailors and shearers were obviously connected with the cloth trade, as were the alnagers, whose position was an official but also a profitable one. Among other members of the population were the men who hired themselves out to carry goods from city to city, or to find buyers for the products of a large-scale merchant. Many St Ives townsfolk found opportunities for profit in the renting of rooms, shops, or houses to accommodate persons and goods during the fair.

The piepowder court, source of our information about all these commercial endeavors, was itself a source of livelihood and an economic attraction of the fair for a number of persons.¹⁴ Professional administrators — one steward and six or eight bailiffs — were employed by the court to handle its basic operations. The steward presided over the court and made procedural decisions in the name of the abbot, notably those de-

¹² Edited by W. H. Hart and P. A. Lyons, in the *Cartularium Monasterii de Rameseia* (London, 1884), 1, 281-293.

¹³ P.R.O. SC 2, 178/95. The entries in this roll begin about 1260 and end in 1358. For a fuller description of the *gersuma* roll see J. A. Raftis, "Rent and Capital at St Ives," *Mediaeval Studies* 20 (1958), 82-83.

¹⁴ In addition to the curial services described here, there were several others, equally important. Jury-duty in the fair court, involving reports on infractions of the abbot's rules for maintaining houses and streets during fair-time, was required of St Ives townsfolk. In addition, a number of Ramsey towns in the St Ives vicinity provided constabulary forces to guard salesplaces and their contents each night during the fair. Since these services represented tenurial obligations of landholders on Ramsey estates and thus were not "profitable" or "commercial" in a monetary sense, they cannot be examined here in detail. They have been fully analysed, however, in the preparation of material for this article, because an individual's performance of these services provides important information on his place of residence or position in the community. See also Appendix, Table 1.

termining the way in which a defendant might plead his case, those increasing distraints when necessary, those setting the amounts of all fines, damages, and amercements, and those condoning penalties for reasons of poverty, sickness or other causes.¹⁵ As might be expected, the holder of this high office was familiar with the managerial structure of the entire Ramsey complex. Willelmus de Wassingle,¹⁶ steward of the fair from 1291 through 1302, presided as well over the village courts of most Ramsey manors, including St Ives.¹⁷ The steward apparently stood outside of the communities he administered; his lack of non-official actions in court suggests that he had few social ties linking him with either merchants or townsfolk of St Ives.

The bailiffs, administrative specialists like the steward, were responsible for assuring the swift flow of justice in court. Each of them took charge of a certain number of pleas each year: introducing the names of plaintiff and defendant; reporting on essoins, defaults, pledging, and instances of non-prosecution; placing distraints on the goods of those persons who failed to comply with court regulations; and assuring the execution of the final judgments.¹⁸ Each bailiff seems to have handled a roughly equal load of these administrative duties during his year or years of service, but the extra-official careers of all bailiffs do not have a corresponding similarity. At one end of the spectrum were men like Robertus Forestarius

¹⁵ The steward's name appears in the heading of the court record for each year. His decisions are usually presented anonymously (*condonatur; preceptum est*), but for an obvious example of his discretionary powers, see 28 May, 1291 (Alicia uxor Nicholai le Tanur vs. Matilda Fraunceys). The steward never made the actual "judgment" in any case; judgments were generally based upon the defendant's own ability to wage his law (see, for example, Robertus Wodefoul, 13 May, 1295), or upon the findings of a special jury of witnesses and other persons acquainted with the principles at stake (for example, the case of Henricus de Hemmygford, 28 May, 1291).

¹⁶ I have retained the original spelling of names as they appear in the manuscripts to facilitate identification of texts and to avoid confusion between individuals. Some names do, of course, appear in both a Latin and a middle English or French form (Matheus Tabernarius and Matheus le Taverner were used interchangeably by the scribe to refer to one and the same person); in such cases, I have used the form which appears most often in the court records.

Maitland and Gross afford the reader the advantage of consulting their selections in both Latin and English, but their translations of names are occasionally perplexing; for example, Johannes Wodefoul became John Woodfool and Matilda Fraunceys emerged as Maud Francis in Gross' edition (*Select Cases*, 17 and 49).

A regional study, under the direction of J. A. Raftis, is currently in preparation for the Huntingdonshire area; its publication will establish standardized spellings for most local surnames.

¹⁷ See, for example, Ault, *Court Rolls*, 202 (Ramsey), 206 (Broughton), 208 (Wistow), 212 (Little Stukeley), 215 (King's Ripton), 219 (Hemmingford Abbots), 221 (St Ives), 224 (Niddingworth), 226 (Houghton), 229 (Weston), 233 (Cranfield).

¹⁸ The bailiffs' names appear in the margins of the court rolls beside the entries for each legal action they supervised.

de Ramsey, who, throughout the period of his service in 1291, appeared unofficially in court only once, to pledge for Johannes de Thereford, another bailiff.¹⁹ The other extreme may be represented by Simon le Waleys, bailiff between 1287 and 1302, who acted twenty-six times as pledge and fourteen times as essoin during that period.²⁰ It is true that essoining and pledging were in a certain sense procedural activities, and it is obvious that the bailiff's administrative role put them in a prime position to detect situations where a pledge or essoin might be needed. On 11 May 1293, for example, the records show Thomas de Warwyk introducing eleven new cases into court; in five of these cases, either the plaintiff or the defendant produced as his pledge the very same Thomas de Warwyk. Yet the other litigants in these cases did not choose Thomas as their pledge, and the widely divergent pledging patterns of Robertus Forestarius and Simon le Waleys confirm the observation that pledging and essoining were not integral duties of the office of bailiff. In fact, most pledges were not bailiffs at all. Any man could serve as pledge in the fair court, and since personal pledges were required to support almost any legal action, from initiating a suit to paying a fine or amercement, pledging is the most common single activity in the court records.²¹

To understand why some men, like Simon, served as pledge or essoin a good deal more frequently than others, it is useful to examine the careers of two men whose backgrounds are extensively documented and whose situations in life were essentially identical. Thomas de Erethe and Willelmus Mauger were both well-established residents of the town of St Ives, with social associations in the village and the merchant communities. Each of them held an entire row of houses in the commercial district;²² each had a wife and other family members in the town;²³ each served in positions

¹⁹ 15 May, 1291.

²⁰ Thomas' pledging career is as follows: 1287: 15 April, 6 May, 10 May, 10 May; 1288: 20 April; 1291: 7 May, 6 June; 1293: 20 April, 23 April, 29 April, 30 April, 2 May; 1295: 2 May, 13 May, 16 May; 1300: 9 May, 9 May, 9 May, 10 May; 1302: 16 May, 21 May, 21 May, 24 May, 25 May, 31 May, 1 June.

²¹ There were a number of alternatives to the use of a personal pledge in court, although most litigants were not able or did not choose to resort to them. For a full discussion of the legal aspects of pledging and essoining, see Pollock and Maitland, *The History of English Law*, 2nd ed. (Cambridge, 1898) 2, 562-563.

²² A row (*rengia* or *rengia domorum*) usually contained four to six houses, each with a small garden-plot running behind it. For descriptions of the property belonging to Thomas and William see the *gersuma* roll, 1286, 1293, 1298, and 1292.

²³ Both wives brewed ale as a means of income. See manorial court records, 1291, 1294, 1301. Agnes Mauger, William's mother, also held property in St Ives, as did Amitia Month, Thomas' mother-in-law. Notable among their other relatives were Robertus Mauger, a tanner, and Roger, Thomas' son, fined for forestalling in 1301.

of responsibility within the governmental structure of St Ives;²⁴ and each had some further influence outside the town, in neighboring communities.²⁵ Their records in the fair court are as follows:

THOMAS DE ERETHER

litigation

date	position	pledge	nature of suit ²⁶
9 May, 1291	defendant, vs Willelmus Byssop (Wistow fishmonger)	Johannes Phyllypp (St Ives tanner) Willelmus de Ware	unknown; plaintiff defaulted
2 May, 1293	plaintiff vs Rogerus le Barman (baker)	Hamo de Berton (fishmonger)	debt of 3 s. 2 d. settled out of court
9 May, 1293	plaintiff vs Laurentius de Houtton (St Ives landowner)	Henricus le Parkere (St Ives resident)	unknown; settled out of court

pledging

date	pledged for	identity of litigant ²⁷	type of pledging
13 May, 1275	Robertus Poppe Piscator		to defend
13 May, 1287	Willelmus de Ware	pledged for Thomas, 9 May, 1291	to defend
17 May, 1287	Constantinus Wygge		to defend
4 June, 1291	Thomas de Claye	baker; St Ives landholder	to pay amercement
4 May, 1293	Osebertus le Glosere		to pay for licence to settle out of court
25 May, 1300	Willelmus Polle	St Ives landholder	to prosecute
26 May, 1300	Petrus Molendinarius	St Ives landholder	to prosecute
27 May, 1300	Petrus Molendinarius	St Ives landholder	to pay amercement
21 May, 1302	Johannes de Toting'	St Ives landholder; agent in wool sales	to prosecute
24 May, 1302	Johannes de Toting'	St Ives landholder; agent in wool sales	to wage law
24 May, 1302	Robertus Wodefoul	St Ives landholder; dealer in wheat	to wage law

WILLELMUS MAUGER

pledging

24 May, 1275	Robertus Mauger	tanner, dealer in mash St Ives landholder	to prosecute
26 April, 1287	Ricardus Burdun	St Ives landholder; dealer in wine	to wage law

²⁴ Both men served as pledge on a number of occasions in the village court. In addition Thomas served as juror in the village court in 1291 and 1300, in the fair in 1291.

²⁵ Thomas de Erethe was present briefly in Hemmingford Abbots in 1299; Willelmus Mauger appears in the records of Holywell in 1294, Wistow in 1279, 1294, and 1301.

²⁶ Many pleas were not pursued or weresettled out of court, and thus the nature of the litigation cannot be determined.

²⁷ Many persons appear in the records in so few contexts, or such vague contexts, that they cannot be identified. Blank spaces indicate that the litigant was such an individual.

28 April, 1287	Johannes le Wayte	merchant at several English fairs	to pay amercement
29 April, 1287	Asselinus Bonde	St Ives landholder	to pay amercement
5 May, 1287	Johannes Wodefoul	St Ives landholder, dealer in wine	to wage law
7 May, 1287	Beatrix filia Luce de Hirst		to prosecute
7 May, 1287	Petrus de Toting'	St Ives landholder, agent in wool sales	to pay for licence to settle out of court
9 May, 1287	Robertus Cissor de Len		to defend
10 May, 1287	Dulcia de Oxon'	harlot	to pay amercement
10 May, 1287	Robertus de S. Edmundo		to pay amercement
16 May, 1287	Willelmus de Houtton	St Ives landholder	to wage law
19 May, 1287	Martinus Jamot	St Ives landholder	to pay for licence to settle out of court
8 May, 1291	Rannulphus Makeneye Tannator de Dereby		to prosecute
9 May, 1291	Willelmus de Pappeworth	horse trader	to prosecute
28 May, 1291	Ricardus de Repinghale		to defend
21 April, 1293	Agnes filia Roberti de Houtton	baker in fair	to pay amercement
27 April, 1293	Robertus Wodefoul	St Ives landholder, dealer in wheat	to wage law
27 April, 1293	Johannes de Rysseburk	clericus domine Regine	to pay amercement
28 April, 1293	Thomas le Mustarder		to prosecute
5 May, 1293	Ricardus Matheus de Brounton	dealer in cheeses	to wage law

The pledging services performed by Thomas de Erethe may be seen as a natural projection of his economic and social situation in St Ives. A litigant himself on several occasions, he received legal support from a number of men, and his repayment in kind to Willelmus de Ware suggests that such support was often reciprocal. Among the other men he served, most can be clearly identified as St Ives residents like himself: residents, in fact of Bridge Street, the district of town where property was expensive and suited to commercial, rather than purely agrarian, pursuits.²⁸ Agrarian interests surrounded these Bridge Street men, of course, but their activities during fair-time reveal that some pursued special trades, such as that

²⁸ In the Green, St Ives' other administrative district, as in most neighboring villages, the characteristic units of tenure were virgates, semi-virgates, cotlands, selions, etc. The units for Bridge Street were houses, rows of houses, and shops, and they entailed monetary rents of ten to thirteen shillings per year in addition to an entry fine (*gersuma*) of about thirteen shillings. The service obligations which weighed upon Bridge Street holdings were less characteristically agrarian as well. See the *gersuma* roll for details.

of baker, and others acted as channels for the sale of their own or their neighbors' products.²⁹ Furthermore, these men were associated with one another, not merely by geographical proximity and similar economic circumstances, but also by mutual support; they constituted a recognizable social circle which found expression in their patterns of pledging. The records do not specify Thomas' own particular commercial function within this group, but his pledging career is typical of the social ties among its members.

Willelmus Mauger's pledging career is quite different. Unlike Thomas, William was never himself party to a suit, yet he served litigants as pledge twice as often as Thomas did. Moreover, the persons he served cannot be regarded as a cohesive circle of business or social associates. Some were prominent St Ives landholders like William himself, but many were clearly outsiders to the St Ives community and represented such varied pursuits as horse-trading, prostitution, and service to the Queen of England.³⁰ Such diversity was obviously the result of a different basis of operation from that which influenced the pledging of Thomas de Erethe. Similarly, the fact that on 27 April, 1293 William served both plaintiff and defendant in the same lawsuit³¹ suggests that social commitments were only one of the factors underlying his pledging patterns. One possible motivation in William's pledging career is suggested by the following entry from 30 April, 1275:

Thomas de Weston de Northampton acknowledges in court that he holds of Johannes Faukes de Hulmo 6 s. in silver which the same Johannes lent him, and an additional 20 s. for which the said Johannes served as his pledge against Richardus de Berton and suffered damage as a result of this pledging. Therefore by judgment of the court Thomas shall make satisfaction to the said John for the said money and shall be amerced for unjust detainer....

Pledges undoubtedly incurred considerable financial and personal risk, since they were required to fulfill a man's promise to the court or to another

²⁹ The names of persons like Petrus Molendinarius are suggestive, but in the absence of supporting evidence they cannot be taken as clear indications of specialized trades. Simon le Bocher was a baker at the St Ives fair, for example. In the case of Robertus Poppe Piscator, the double surname is more reliable; whatever his situation might have been during the rest of the year, Robert probably sold fish during the fair.

³⁰ The entry for 1293 states only that Johannes de Rysseburk was buying wheat in St Ives. In 1275 he appeared in the St Ives court to press a claim against a number of men from Stamford from whom he had bought horses at the Stamford fair, and he produced, as his pledge to prosecute, a letter from Lord Ricardus de Bosco Marescallus Domine Regine Anglorum. See 24 April, 1275 and 14 May, 1275.

³¹ Johannes de Rysseburk was suing Robertus Wodefoul on a plea of assault. Mauger pledged for Wodefoul to wage his law against the charge and then, after Rysseburk had been found guilty of false claim, Mauger served as his pledge to pay the amercement.

litigant if the man himself failed to fulfill it.³² This element of chance might well have been covered, at least in cases where no social reciprocity underlay a relationship between pledge and principal, by financial compensation. The motivation of fees for pledging is most readily discernible among the bailiffs; not all of these men pledged as often as did Simon le Waleys, but none of them formed part of any mercantile or local communities, and since few of them were ever involved in litigation, their pledging cannot be interpreted as evidence of mutual support in the face of legal attack. Among the other pledges, clear identification of "professional" pledging is more difficult because usually social or professional ties are visible at the base of a legal relationship. It is significant, however, that the men who pledged most often, like Simon le Waleys and Willelmus Mauger, appear in court frequently as *essoins* or attorneys as well.³³ In all, some twenty men, most of them strangers to St Ives and many of them bailiffs, were in court so often on procedural matters, serving such a wide variety of persons, that they may reasonably be considered as professional curialists.

The majority of fairgoers came to St Ives seeking profit outside the court itself, rather than within it. Like Thomas de Erethe, they normally appeared in court only to press a suit, pay a fine, or support a friend. Thomas de Erethe represents only one of the social groupings at the fair. A variety of other groupings were connected with the trade which contributed most to the fame of St Ives: cloth and wool sales.

The men who sold cloth in St Ives enjoyed in many respects a special status. Those who came from important centers of production had separate rows of shops reserved for their use, and villagers from St Ives and neighboring communities were required, as part of their tenurial obligations, to maintain these buildings throughout the year and to guard them each night during the fair.³⁴ On the rare occasions when the abbot of Ramsey

³² On 13 May, 1293, for example, both Agnes le Ledman, plaintiff, and her pledge, Thomas de Oxon, were amerced 6 d. because Agnes failed to pursue her plea against Robertus Cissor. On 16 May, 1287, Willelmus de Houtton, who had previously pledged for Nicholaus Legge to pay a debt of 2 s. owing to Ricardus Pecthe, was sued by the same Richard for the remainder of the debt because Nicholaus Legge had defaulted.

³³ Willelmus Mauger served a total of twelve times as *essoins* or attorney, often to aid the same persons he was supporting as pledge. See, for example, 26 April, 1287, when Mauger *essoined* for Asselinus le Bonde, and 6 May, 1293, when he *essoined* for Ricardus Matheus de Brounton.

All attorneys were probably professional, because pleading a case in the proper manner in court was a definite skill requiring at least some familiarity with Latin, court formulas, and legal principles. Only a handful of men appeared as attorneys in the court of St Ives.

³⁴ See *Cartularium de Rameseia*, 1: 290 (St Ives); 301 and 303 (Holywell); 312 (Warboys); 325 (Abbots Ripton); 337 (Broughton); 347 (Upwood); 358-359 (Wistow); 366 (Houghton); 385 (Hemmingford Abbots).

granted special commercial privileges, cloth merchants usually were the recipients.³⁵ In such situations, the distinctive position of the cloth dealers was obviously connected with their financial prowess, but the behavior of individual cloth merchants during the fair suggests that they stood apart from the other fairgoers not merely financially but socially as well.

The cloth dealers are relatively obscure in the court records. Of the thirty-one identifiable clothiers, only twelve appeared in court in more than one situation, and only fourteen appeared as a recognizable associate, friend, or pledge of any other man. Because they were readily able to pay fines and fees for special privileges, these merchants were less dependent than most upon the system of personal pledging to support their actions in court. Many legal situations could not be handled by a simple monetary payment, however, and in these cases the only alternatives to the pledging system was distraint of one's goods or, occasionally, of one's person.³⁶ Like Thomas de Erethe, most litigants chose to avoid the alternative whenever possible. Most cloth merchants did not. Only twelve produced a personal pledge at any time, preferring even distraint of their goods to involvement with a personal pledge. The men they did produce as sureties were either professional pledges or fellow countrymen. Thus, when Perrot de Duaco found himself sued for refusing a commission to a broker who had found a buyer for his cloth, he produced Johannes Marald de Duaco as pledge that he, Perrot, would appear to defend his case.³⁷ His response to the court's final judgment, however, when he was found guilty and ordered to pay the brokerage fee, was to yield a piece of cloth in pledge of payment.

The very obscurity of these traders reveals a good deal about their social mores. They seem to have carried on their affairs with minimal strife, and to have settled most of their disputes among themselves without recourse to the formal structure of the court. Their dealings with the townsfolk of St Ives were amicable (to judge from the lack of litigation

³⁵ For example, on 10 May, 1287, permission was granted to Robertus de la Pole, Radulfus de S. Leonardo, Philippus de Everavyle, Johannes le Brykynel, Radulfus de Kolebon, Willelmus Bronwey, and Johannes Mistel to sell woollen cloth together with canvas in the same booth, "although until now it was not permitted that any merchants residing in the frontages of Lord W. le Moygne should sell woollen cloths together with canvas during fair-time..." The merchants gave the abbot 20 s. for this privilege. See also 29 April, 1287.

³⁶ See, for example, 30 April, 1287, where a group of prostitutes were seized by the bailiffs and held in custody until judgment could be made upon their behavior. On 20 May of the same year, Hamo de Byry was found guilty of assault and, since he was too poor to pay the damages, he was imprisoned.

³⁷ 9 May, 1293.

between these men and the townspeople), but superficial; one of them employed a villager as pledge, but this man, Willelmus de Houtton, was almost certainly a professional pledge and essoin. Certainly none of these merchants was a St Ives villager himself, and only one, Johannes de Bolonia de Huntingdon, resided in the St Ives area.

This obscurity leads to further observations. These men certainly travelled and conducted much business in groups, yet they appeared in court to offer mutual support much less frequently than did other groups. This fact suggests that commercial ties alone were not sufficient to create close associations between merchants, although where such associations can be discerned commercial interests clearly played some part in the relationship. The careers of Robertus de la Pole and Robertus de S. Leonardo are illustrative. In 1287, these two men and three other merchants shared a house front for the sale of woolen cloth and canvas in St Ives.³⁸ On the sixth of May in that year, the two Roberts appeared in court as co-plaintiffs against Ricardus de Eylesdon, whom they accused of preventing measurement of canvas, by one of the official alnagers, in the booth which they rented from the abbot. On the same day, each of them was sued individually by this same Ricardus de Eylesdon for having denied him brokerage fees for two separate sales of cloth, one conducted by Robertus de la Pole, the other by Robertus de S. Leonardo. The cloth merchants appeared together to defend themselves against these charges (*Predicti Robertus et Radulphus*³⁹ *presentes defendunt et cetera...*), and together they requested the services of a court arbiter to settle their dispute with Ricardus de Eylesdon. Then they filed a second suit against Richard, but this second piece of litigation was never pursued. On 9 May of the same year, the two men appeared as pledges for Willelmus Bernard, defendant; this case was settled out of court, and neither Willelmus Bernard nor his plaintiff, Ricardus de Wylecestr', can be identified through any further actions. The relationship between the pledges is clear, however. Although both of them obviously had connections with a variety of other individuals at the fair, especially with the men who shared their sales booth, their dealings with these persons were fairly superficial and limited to financial concerns. One of the bases of their association with each other

³⁸ 10 May.

³⁹ The scribe seems to have had difficulty with the first names of these men. Here they are referred to as Robertus de S. Leonardo and Radulphus de la Pole, but in subsequent entries they appear as Radulphus de S. Leonardo and Robertus de la Pole (see above, p. 37, n. 35), and eventually both men are called Robertus. There is no doubt, however, that the same two men were involved in all these cases.

was, of course, financial as well; close business colleagues, they worked in the same booth, employed the same sales agent, and experienced many situations in common. Their joint litigation against Ricardus de Eylesdon was a direct result of their commercial circumstance. The fact that they acted as pledges for one another in connection with that lawsuit is significant, however, since each man was free to find his pledges where he would, and to refuse to stand as pledge for another. Finally, we find them allied spontaneously as pledges for a third man, revealing that their ties with one another were deeper than those required simply to conduct the sale of cloth.

The careers of these two men are somewhat exceptional, in that they are more fully documented than those of most St Ives clothiers; the two have, in fact, emerged from the very obscurity which distinguished the clothiers from other groups. Yet even they, with their relatively extensive dealings in court, show no real involvement with a distinct community. The cloth merchants emerge as an individualistic lot who did not enter readily into group associations. They seem to have had little difficulty in finding support when they chose to enlist it, but seldom did they so choose. Even a merchant like Walterus le Chamberleyn, who served as pledge for other clothmen on two occasions,⁴⁰ did not present pledges of his own when he sued Johannes prior de Swaveseye for failure to pay for cloth.⁴¹

The persons who bought cloth from men like Walterus le Chamberleyn generally represented the more important monied interests at the fair,⁴² from agents of the king, like Lord Radulphus de Stokes with his letters patent authorizing extensive acquisitions,⁴³ to prominent local figures like the prior of Swavesey or Augustinus Capellanus de Hemingford,⁴⁴ who were evidently profiting from the proximity of the great market for their unusual purchases. Among these men, some pursued a double commercial objective at the fair; they came not only to purchase cloth, but also to sell wool. The records contain, in fact, several references to direct trades of cloth for wool; Johannes de Balderton exchanged forty

⁴⁰ 5 May, 1295 (Willelmus Prepositus); 6 May, 1287 (Radulphus Capellanus de Eltesle).

⁴¹ 5 May, 1295.

⁴² Not one of the thirteen identifiable cloth transactions involved an amount less than 5s. 4d., a figure considerably higher than the average of those mentioned in purchases of other commodities sold at the fair.

⁴³ 20 May, 1300. The royal demands included forty cloths of medley, eight tartans, twenty-eight cloths of ray, twenty-two striped cloths of Stamford, 1000 yards of English cloth, 8000 yards of canvas, etc.

⁴⁴ 6 June, 1291. He was buying two pieces of cloth valued at twelve marks.

fleeces of wool for three pieces of tartan;⁴⁵ Johannes le Haneckere de Creswell made a similar exchange of his wool for canvas with William de Lyndes 'de Jernem'.⁴⁶

Since wool dealers were among the most regular purchasers of cloth, it is not surprising to find that, as a group, they shared some of the basic social characteristics of the clothiers. Like the cloth men, many of them travelled the English fair circuit⁴⁷ and most of them were foreign to the St Ives region; their surnames refer to large centers like Boston, London, Lincoln, Nottingham, Leicester, Northampton, Lynn.⁴⁸ They, too, stood largely apart from non-commercial social groupings in the fair; only one-third of the twenty-two woolmongers engaged in fair-time situations which were not directly connected with their sales.

Among these twenty-two men were several, however, whose social background and manner of participating in the fair differed significantly from those of the majority. Three woolmongers were year-round residents of St Ives,⁴⁹ and at least three others came from the immediate neighborhood.⁵⁰ The quantity of wool sold by these local residents varied greatly.⁵¹ It is impossible to determine whether the wool trade represented a full-time enterprise for any of them, but it is clear that the presence of the fair encouraged sheep farming as a local commercial endeavor. The nature of their social groupings is reflected in the pledging of men like Galfridus Hammond de Halywell. He sold wool in conjunction with Galfridus de Hylton, a St Ives townsman like himself, and with Petrus Reding de Swaveseye.⁵² When he needed a personal pledge, he chose

⁴⁵ 11 May, 1293.

⁴⁶ 23 May, 1300.

⁴⁷ See, for example, 12 May, 1287; 6 May, 1293; 8 May, 1293; 16 May, 1295.

⁴⁸ Eleven of the twenty-two wool dealers can be clearly associated with surnames suggestive of long-distance trading. For an indication of the importance of wool production in some of the areas mentioned here, see Eileen Power, *The Wool Trade in English Medieval History* (Oxford, 1941), 21-23. For a similar discussion regarding cloth-producing centers in England at this time, see E. M. Carus-Wilson, "The English Cloth Industry in the Twelfth and Early Thirteenth Centuries," *Medieval Merchant Venturers* (London, 1967), 211-215.

⁴⁹ All of them owned houses on Bridge Street, the commercial district of town, and participated in the village court.

⁵⁰ The localities represented are Huntingdon and Swavesey. The surnames of some men were not regional in character, of course, and where local records are lacking it is impossible to trace their origins.

⁵¹ The range ran from one fleece sold on 3 May, 1275 by Simon le Chapman de Swaveseye, to 115 fleeces sold jointly by three local men. The consistent references to fleeces, rather than sacks, of wool sold by these men point to the less highly organized nature of their enterprise.

⁵² 25 May, 1291.

Matheus Tannator, a professional tanner from St Ives;⁵³ when he served others as pledge, he stood for Robertus de Wardeboys,⁵⁴ for Galfridus de Hylton,⁵⁵ for Ricardus Rufus de Swaveseye,⁵⁶ for Thomas de Halywell.⁵⁷ Their residential background, their trades, and their presence at the fair reveal that each of these men was, like Jeffrey himself, a peasant with supplementary commercial interests, and the other local woolmongers operated within a similar circle of associates.

The woolmen who came from afar did not participate in these associations. Although they, unlike the cloth dealers, used personal pledges quite frequently, they invariably chose professional pledges or men from their own region. There were no instances, in the records examined here, of inter-pledging between a woolman from the St Ives area and a woolman alien to that area, and the inference of a distinct social distance between the two groups is quite strong. This social division was underlined by a parallel division of economic interests. While the local men all sold their wool directly, without the use of middlemen, the majority of foreign wool merchants made their sales or exchanges through professional brokers.

The agents were a remarkably varied and lively group, serving both cloth and wool traders and often serving both simultaneously, since wool and cloth purchases often took the form of mutual exchanges. Many apparently travelled the fair circuit with the great merchants, although none of them had any noticeable long-term commitment to one particular trader or group of traders. The agents operated, in fact, in a fairly free-lance manner; one of them like Hamo Ulnator de S. Edmundo, might be found selling cloth in one man's booth on Monday,⁵⁸ and arranging for the transfer of 600 ells of canvas between two other men on Friday.⁵⁹ Among the agents, six had supplementary occupations at the fair. Three of these men were alnagers, a function which obviously complemented their brokerage duties.⁶⁰ Of the others, at least one acted as agent for

⁵³ 24 May, 1291. Matheus Tannator participated extensively in both the fair and the village structures of St Ives.

⁵⁴ 25 May, 1291. Jeffrey's co-pledge in this case was Galfridus de Hylton.

⁵⁵ 25 May, 1291. Galfridus de Hylton, Jeffrey's partner in sales, seems to have derived some additional profit from his frequent pledging at the fair. See especially 16 May, 1291. He pledged a total of fourteen times during four years in fair court, and served once as essoin.

⁵⁶ 6 May, 1295.

⁵⁷ 21 May, 1302.

⁵⁸ 7 May, 1291.

⁵⁹ 11 May, 1291.

⁶⁰ The office of alnager entailed an oath promising honest measurement of canvas and faithful dealings with both buyer and seller. (See, for example, 12 May, 1291). Since alnagers were liable to litigation and fines if the ells they used, provided by merchants, were not accurate,

marketing other products besides wool and cloth;⁶¹ one was a toll-collector from Huntingdon;⁶² and the last, a Bridge Street landowner, rented houses and rooms to transients during the fair.⁶³

The scope of the brokers' activity in the fair may be assessed by a comparison with that of the cloth merchants:⁶⁴

	brokers	clothiers
number of men	10	31
total instances of litigation		
among members of group	34 (1: 3.4)	15 (1: .48)
total number of pledges used		
by members of group	47 (1: 4.7)	20 (1: .64)
total instances of pledging		
performed by members of group	20 (1: 2.0)	10 (1: .31)

The lustier quality of the brokers' careers stems in part from the nature of their occupations. As agents, they mingled with the population of the fair, seeking potential buyers for their patrons' goods.⁶⁵ Their personal contacts were thus broad and varied, and led to a number of disputes involving not only broken contracts and unpaid debts, but also assaults, slanders and trespasses. The pleas were often settled out of court, but the fact that the settlement was initiated within the framework of the court puts the brokers' behavior on a somewhat different level from that of the merchants. From a more positive viewpoint, the personal associations of each broker were characterized by a high degree of group solidarity and considerable mobility among the social communities connected with their profession. On a few occasions, brokers were distrained by goods or supported by professional pledges, but in the great majority of cases they

it seems likely that they charged fees for their services to cover this element of risk. (See 11 May and 17 May, 1275 for an account of the troubles encountered by Simon le Blake de S. Edmundo, accused of measuring canvas with a false ell). The alnagers, a group of some five or six each year, were all strangers to St Ives, and most of them were clearly removed from social dealings with the majority of persons at the fair. The three who were sales agents as well as alnagers constitute the outstanding exceptions to this pattern.

⁶¹ Gilbertus le Rybaud sold feathers as well as wool: 30 April, 1287 and 22 May, 1291.

⁶² The near-by town of Huntingdon had the right to collect tolls, at the gates of St Ives, on all wares brought to the fair. The royal charter granting this privilege dates from 1252. For further details, see Gross, *Select Cases*, xxix-xxxi.

⁶³ For a discussion of rental activity at the fair, see below pp. 46-48.

⁶⁴ The comparative average ratio of individual participation is added in parentheses.

⁶⁵ The plaintiff's account in a plea of slander on 6 May, 1287 affords a vivid picture of a broker (Ricardus de Eylesdon) triumphantly entering the booth of his patrons with a buyer for their cloth, only to find himself sharply rebuffed. The defendants' account of the situation, given earlier on the same day, reveals that the rebuff was connected with the fact that the merchants had already found another buyer for the cloth.

chose their pledges from within the cloth industry itself. Their ties were strong with wool merchants and alnagers,⁶⁶ and especially noticeable is the abundance of mutual pledging among the brokers themselves. They supported each other in every type of legal situation, with no apparent concern for regional differences or previous personal disagreements.

Like cloth and wool, skins were a major attraction of the St Ives fair,⁶⁷ and many *pelliparii* paid high rents for shelters near the cloth and wool merchants.⁶⁸ Trade in skins, hides, and furs was in many ways a natural adjunct to the wool trade,⁶⁹ and social groupings among skimmers and furriers generally followed the same lines as those already observed among woolmen. Most skimmers at the fair (thirty-nine of forty-five) were foreigners to St Ives, markedly distant from the associations of men outside their own, rather narrow, fellowship.⁷⁰ Yet, as was true of the woolmen, not all skimmers were so remote from the life around them, and the exceptions included not only some men from St Ives but even a number of the "foreigners." One such dealer in skins was Robertus Persun de London.⁷¹ The records show him suing Ricardus de Graham, a spicerer,⁷² entering a plea of unjust detention against Gregorius de Melcheburn, a clothier from whom he recovered cloth to the value of 5 s. 6 d.,⁷³ and being summoned to a special investigation of a sale of hurdles and cart covers made between Willelmus Quatrepez and Willelmus de Lynns.⁷⁴ Even broader was the social and economic scope of Walterus Grys, who appears several

⁶⁶ Never did a cloth merchant stand as pledge for a broker, however.

⁶⁷ In 1300 (20 May), Edward I ordered forty furs of minever, grover, and Baltic squirrel; forty hoods of minever; ten pennaes of squirrel; forty furs of imported and domestic lamb; and twenty hoods of domestic lamb. For a description of such skins and their value in the middle ages, see Elspeth Veale, *The English Fur Trade in the Later Middle Ages* (Oxford, 1966), 1-35 and Glossary, 216-229.

⁶⁸ The only two mercantile groups designated by trade in the rental list of costly houses are the skimmers and the spicerers. (B.M. Add. Roll, 34784). Many other *pelliparii* conducted their sales from the rears of houses, for which they paid a special licence fee. There are a number of entries illustrating this point on 17 May, 1287.

⁶⁹ See Sylvia Thrupp's discussion of London merchants who dabbled in both trades, *The Merchant Class of Medieval London* (Ann Arbor, Michigan, 1948), 5-7.

⁷⁰ Only six of the forty-five skimmers used personal pledges; nine of them stood as pledges themselves. Much of this pledging was of the commercial-regional nature we have defined as characteristic of cloth merchants; Odo de Thorp and Willelmus de Thorp, who sold sheepskins together, pledged for one another when necessary (14 May, 1275); Simon le Seler de Stanford pledged for Willelmus Godrich de Stanford (2 May, 1293), etc.

⁷¹ He sold skins, notably those of cats: 17 May, 1287 and 30 April, 1293.

⁷² 29 April, 1293.

⁷³ 29 April and 14 May, 1293.

⁷⁴ 29 May, 1291.

times in the records as a seller of merchandise ranging from skins of goats and lambs⁷⁵ and pelts of fox fur⁷⁶ to iron, boards, fish, oil, and pitch.⁷⁷ His choice of pledges included Hamo de Berton, a fishmonger,⁷⁸ and Richardus Burdun, a prominent St Ives landowner.⁷⁹ Both Robertus Persun and Walterus Grys present a picture of considerably wider social mobility than we have encountered among the wool or cloth merchants: wider even than that of the wool agents. Such mobility was certainly encouraged by the nature of the fur trade itself,⁸⁰ and fur traders came from among the humble⁸¹ as well as the prosperous⁸² townsfolk, from among the regional peddlars as well as the wealthy renters of costly shops on Bridge Street. The nature of most entries regarding skinnners does not permit a full appreciation of the causes for differences in behavioral patterns among them. It is significant, however, that both Robert and Walter dealt in skins of domestic, easily obtainable animals. The social chasm which separated these men from the fellowship of many fellow *pelliparii* but linked them with a great range of other persons at the fair was probably part of the commercial difference between dealers in imported furs who were skilled in fashioning their materials into garments, and dealers in local furs who left the problems of couture to others.

Local traders in skins and furs were not far removed from two other groups of local tradesmen: butchers and tanners. All three trades sought profit from the same type of raw materials. It is not at all surprising to find that the social behavior and personal associations of Galfridus Tony, fur trader, were largely identical with those of Willelmus Kyleneynth, butcher, and Matheus Tannator. Residents of Bridge Street, they all held sufficient property to enable them to rent out extra rooms during tha fair. They had supplementary commercial interests; Tony sold fish;

⁷⁵ 20 April, 1293.

⁷⁶ 5 June, 1291.

⁷⁷ 20 April, 1291. This business was conducted with Walterus Crescy, an outsider to St Ives as was Grys himself.

⁷⁸ 2 May, 1295.

⁷⁹ 2 May, 1295.

⁸⁰ A *pelliparius* required no costly equipment, could find much of his raw material roaming abundantly in the woods and even in the towns near him, and dealt closely with tanners and drapers, nobility and commonalty. See Veale, 21-35.

⁸¹ For example, Johannes Martin, who participated in the town court but apparently held no property in the highly-valued center of town and had to rent a room there to sell his skins.

⁸² For example, Galfridus Tony, a Bridge Street landholder who sold fish as well as furs and who pledged for other prominent members of the St Ives community as well as for a number of outsiders.

Tannator sold beer. Their social commitments revolved around the same circle of associates:

	date	pledged for	pledged by
Tony:	6 May 1275	Johannes Bundeleg (peddlar)	
	27 April 1275	Adam Donel (Bridge Street)	
	22 April 1288		Rogerus le Steresman
	25 May 1291	Hamo de Berton (fishmonger)	
Tannator:	1 May 1275	R. de S. Botulpho (butcher)	
	24 May 1291	Galfridus de Halywell (Bridge Street wool trader)	
	30 May 1291		Rogerus Lomb (Bridge Street butcher)
			Johannes de Rydon (baker)
	28 April 1293	Thomas de Stanford	
	14 May 1293	Johannes de Toting (Bridge Street wool agent)	
Kylenynt:	14 May 1295	Willelmus Wygar (Bridge Street tanner)	
	24 April 1275	Adam Garsoppe (St Ives peddlar)	
	29 April 1287	Nicholaus Legge (Bridge Street butcher)	
	6 May 1287	Henricus Tannator de S. Ivone	
	21 May 1291	Nicholaus Legge (Bridge Street butcher)	
	9 May 1293	Galfridus de Bedeford cocus	
	12 May 1293	Willelmus Verun (Abbots Ripton butcher)	
	2 May 1293	Johannes de Toting (Bridge Street wool agent)	
	20 May 1300	Willelmus de Gilling (St Ives resident)	

The other butchers operated largely within the same circle of associates; a circle which included — depending upon individual circumstances — most locally-oriented victualling trades. Not all butchers and tanners were residents of St Ives itself, but all were from the St Ives neighborhood, and the same can be said of most bakers, cooks, dealers in grain, malt,

and beer at the St Ives fair. Such persons found, in the periodically swelled population, an ideal outlet for their excess produce or special crafts.

The extent to which the fair could stimulate local commerce is suggested by the fact that, while the number of professional alewives in most Ramsey villis averaged about twelve per year,⁸³ St Ives alewives never numbered less than forty-eight in a given year; fully 166 of the 218 women living in the town brewed and sold ale, and most of their names reappear consistently in the village court records as alewives.⁸⁴

The social groupings connected with local trade included many townsmen who derived profit from yet another source: their real estate. These were the residents of Bridge Street, whose property was located in the heart of the fairgrounds, and whose constant association with trade and traders appears in the records of such men as Galfridus Tony, Matheus Tannator, Willelmus Kyleneynth, Thomas de Erethe, and Willelmus Mauger.

In order to provide an attractive setting for the travelling merchants, Bridge Street buildings were carefully maintained, especially during the fair⁸⁵ but throughout the rest of the year as well.⁸⁶ In many cases, the high rents merchants paid for these carefully-tended buildings went, not

⁸³ Raftis, *Tenure and Mobility*, 101 n. 24.

⁸⁴ The following quotation from the village court record of Houghton (1274) affords insight into two aspects of local trade: the local renown of St Ives ale and the extensive participation of near-by villagers in the St Ives fair. "All the customary tenants of Houghton and Wytton, namely sixty-nine virgaters and semi-virgaters, are accused in this court by the steward of having gone to Huntingdon and St Ives for penny ale at other times than during a fair." (This text is edited by Raftis, in *Tenure and Mobility*, 107.)

⁸⁵ A number of Bridge Street residents were elected each year as jurors, whose function it was to report any infractions of the special fair-time standards for safety, sanitation, and tenancy on Bridge Street:

The jurors of Bridge Street present that in the house next to the stone hall in the abbot's row several prostitutes are kept by Simon le Waleys. [Therefore he is fined] 6d. And they say that Matheus le Tanur has a dung-heap which is creating a nuisance between his house and the great riverbank. Therefore he is amerced and must remove it. And they say that Robertus le Cupere raised a small house in the cooking-place, thus endangering the fair, and he also keeps prostitutes in a house... and he does not have water in his courtyard. 12d. (14 May, 1291).

⁸⁶ Tenurial contracts for Bridge Street landowners normally contained a stipulation similar to the following:

Galfridus Dote comes and receives from Brother J. de Sautre abbot of Ramsey that row on Bridge Street in St Ives, with all the houses which are built upon it,... and he shall maintain the houses of the said row, and the walls raised and built thereupon, in a condition similar to, or better than, the condition of those walls and houses when he received them. (Gersuma Roll, 1293).

to the persons who held the land throughout the year, but rather to the Abbot of Ramsey, who often reserved to himself the right to rent out the desirable front rooms on Bridge Street.⁸⁷ Despite this hindrance, enterprising Bridge Street landholders seem to have had no trouble finding tenants for their less strategic rooms in other parts of the houses:

Emma Hauteyn complains of Ricardus Burdun because, whereas she rented a house from him during the fair for 21s. on the condition that he, Richard, would receive no prostitutes in her row, Richard has not kept the agreement and has in fact received prostitutes... (19 May, 1295).

From Ricardus de Leycestre, to sell 150 skins in the rear of Hugo Cut, 6d.

From Elya de Salteby, to sell two cartloads of skins in the rear of Petrus Mercator, 2s.

From Ricardus de Warewyk de Bannebyr', to sell forty skins in the rear of Agnes Mauger, 2d. (15 April, 1287).

Willelmus Verun complains of Rogerus Lomb and says that whereas he, William, rented a certain house in the town of St Ives from a certain Robertus Belaunt de Wystowe, to keep sixteen hams which he had for sale, the said Roger came there on Monday after Ascension Day... and took and detained from him the said hams, each worth 16d., causing him damage of one-half mark. The said Roger is present and denies etc., and says that he did not take away any of the said hams except two, and he took those two because Robertus Belaunt owed him, Roger, 2s. in silver for a certain house which Robert had rented from him. Afterwards the parties come to agreement... (11 May, 1293).

It is not possible to determine how many of the Bridge Street landholders derived supplemental income from their property during fair-time because

⁸⁷ Many of the tenurial agreements between the abbot and the Bridge Street landholder contain a clause similar to the following:

From Willelmus Polle, for the row [formerly] of Mabilia Cok, until the end of his life and that of his wife, Joan, assuming that he maintains the buildings thereupon, 2s. as entry fine, ... and the lord abbot shall retain the right to hold the fronts during the fair... (Gersuma Roll, 1298).

Johannes le Lethe comes and takes... all of that row of houses, together with the adjacent room, next to the foot of the bridge in the town of St Ives... and each year during the fair of St Ives the first house next to the foot of the bridge, with its adjacent room, shall remain in the hands of the lord abbot. (Gersuma Roll, 1293).

During the fair, the abbot's bailiffs were expected to maintain their patron's buildings according to the same standards required of all Bridge Street lessors:

The jurors of Bridge Street present that Johannes filius Willelmi de Brounton, contrary to the statutes of the fair, rented through his attorney three of his houses to prostitutes. Therefore he is amerced 2s. And he is ordered to remove them.

And they say that the lord abbot does the same thing, through his attorney Simon le Waleys, in a house next to Le Twertweye between Johannes de Brounton's house and the vacant lot belonging to Robertus Pollard.... (12 May, 1300).

we have no comprehensive rental lists for all lodging and selling-places at the fair. The arrangement of the rental lists of 1278 and 1286 suggests that the Abbot of Ramsey concerned himself primarily with selling-places.⁸⁸ Thus, although the entry from 1287, quoted above, shows that villagers were not excluded from renting for commercial uses, they most probably offered their houses as temporary lodgings.

Who were these men from Bridge Street, these men who derived substantial profit by subletting part of their valuable buildings, these tanners, butchers, bakers, these men who worked with wool merchants, with cloth dealers? They were residents of a manor; they were peasants; they were serfs, *nativi domini*. The breadth of their social and commercial dealings in the St Ives fair suggests that the labels we have traditionally placed upon individuals in the medieval world are somewhat misleading. Surely the actions of these men from St Ives were limited in many respects; their local ties were strong; their commercial interests all reflect a regional, rather than an international, orientation. Yet the very fact that they served a regional market indicates that commerce was a year-round endeavor, not merely a fair-time interlude, for these men.

We have not, by any means, fully examined the careers of the men from Bridge Street. For example, their patterns of participation in the town government constitute another significant aspect of their social groupings. Nor have we fully explored all the actions of the other St Ives fairgoers. Within the scope of this study however, it is clear that even such patently juridical actions as pledging, waging law, and paying fines can reveal the distinctive personalities of individual merchants. From the wealthy, aloof cloth dealers to the gregarious and colorful local craftsmen, the range of economic backgrounds and social affiliations is highly nuanced. Court rolls have provided the primary information for this study of the people of St Ives, but the wealth of information they have produced suggests that re-examination of other legal or economic documents may produce similar insights into many groups of medieval people.

⁸⁸ The renters' names on the 1278 list are arranged by trade. Although only two groups of tradesmen appear as such in the 1286 list, none of the names from the first list reappear on the second, a fact which implies that the lists deal with rentals to two different classes of tradesmen, rather than with shops and lodgings for the same group of tradesmen. See above, pp. 28-29.

APPENDIX

While the format of a small article does not permit detailed analysis of many individual careers, the following tables provide illustration for some of the basic observations made in the course of this study. Each table represents a particular occupational group at the St Ives fair, including all persons clearly engaged in that occupation at least once between 1275 and 1302.¹ The first table, which lists the Bridge Street fair court jurors, depicts the types of economic contributions made by local townsfolk and the quality of their overall involvement in the fair. The other tables, dealing with mercantile and craft groups, highlight two of the primary indicators we have been using to examine social interaction: employment of the personal pledge for legal support,² and participation in non-professional social situations. The tables are designed to enable the reader to observe the general patterns of social involvement which characterized various economic groupings, and to assess the extent of individual divergences within these patterns.

References here are to fair court records, unless otherwise indicated. Actions are represented by one or two letters, according to the following scheme:

- br — broker
- by — buyer
- c — constable
- cu — custodian of pledge goods
- d — default
- e — essoin
- f — forestalling
- fs — fine for selling in an illegal place or manner
- i — *inquisitio* (member of inquest jury for a particular lawsuit)
- j — juror
- jr — refusal of jury duty
- l — land infraction
- ls — license to sell in an otherwise forbidden place or manner

¹ None of the tables contains an absolutely complete listing of all members of a group present at the fair between 1275 and 1302, of course, because the fragmentary nature of the documentation does not permit such a listing. They do contain, however, a complete listing of all persons known through the fair court records to be members of an occupational group.

² I have simplified this consideration in these tables by indicating employment of personal pledges only in the context of craft or trade situations. It is normally true, however, that if an individual employed personal pledges to support his defense against a claim of illegal sales practices, he would be most likely to employ them as well in pleas of assault and other non-professional actions.

- p — pledge
 rg — regrater
 rp — renting out property during the fair
 s — selling
 sa — assault suit
 sd — debt suit
 ss — slander suit
 st — theft suit
 su — suit whose precise nature is unknown (because of settlement out of court or non-prosecution)
 tc — toll collector from Huntingdon
 ul — alnager
 up — use of personal pledge to support legal actions
 v — failure to perform nocturnal vigil-duty

TABLE I
FAIR COURT JURORS FROM BRIDGE STREET

name	year(s) as juror	specific commercial involvement	general participation in fair
Reginaldus filius Alexandri	1275		1275: l,p,p,p,p
Willelmus Baldewine	1300		1293: p,p 1300: p,p,p 1302: sd,su
Johannes de Byrewe	1287		1287: p,l
Ricardus Coket	1275		
Robertus Cuperius	1275		
	1287	1287: house rentals 1291: house rentals brewer*	1287: p
	1293	1300: house rentals	1293: i
Robertus Duranna	1275		1275: p
Thomas de Erethe			1275: p 1287: p,p
	1291		1291: su,p 1293: sd,p,su
		1300: house rentals forestalling*	1300: by,l,p,p,p
		1302: house rentals	1302: p,p,p
Walterus de Gilling	1302		
Willelmus de Gilling	1300	1300: house rentals	1300: p,st
	1302		1302: su,p,p,p,p,p,i
Adam Gut	1287		1287: p
	1291	1291: attorney	1291: p,p,su,e 1295: p,p
		1300: forestalling*	

Galfridus de Hadenham	1291: tanner*	
1300		1300: p,p
Willelmus de Hamerton		1291: p,sd
		1293: p
1300		1300: p
		1302: jr,p,p,p,p,p
Martinus Jamot	1287	1287: c,su,p,p,p,p,su
		1292: sa
		1300: p,p,p
		1302: sd
Nicholaus Legge	1287	1287: su,p,p
1291	1291: butcher*	1291: p,p,by,p,i,p
1293		1293: p,p
		1295: p
		1300: sd,l,p,p,cu
		1302: c,v
Rogerus Lomb		1275: l,p,su
	1291: butcher*	1291: p,p,p,p
1293	1293: house rentals	1293: st
		1300: sd
Johannes Maryot	1287	1287: p,p,p,p,p
	1291: house rentals	1291: c,p
1293		1293: c,p,p
Robertus Mauger	1275: sold mash	
	1291: tanner*	
		1293: su
		1295: p
1300		1300: l
1302		
Johannes Pistor de Rydon	1275: baker	1275: p,sd,p
1287	1287: baker	1287: p,p,p
	1291: baker	1291: p
	1293: baker	
	1295: baker	1295: p
	1300: baker	
Johannes Poke		1275: c,p,p
1287		1287: p,p,p
	1288: house rentals	
1291		1291: l,i,p
1293		1293: l
		1295: p,p,p,l
		1300: p
		1302: p
Willelmus Polle	1287	1287: p
	1291: tanner*	1291: su
1293		1293: l
		1300: sd
Johannes de Queye	1291	1291: p,l,cu
1293		1293: p,p,sa
		1295: sd
	1300: house rentals	

Ricardus filius Reginaldi	1275	1275: p,p
	1287	
	1293	
	1302	1302: p,p
Hugo Sterne		1291: c,l
	1293	1293: c
	1300	1300: c
		1302: p,i
Godefridus Steyk	1275	1275: p,p,p,p
		1291: l
		1293: l
Thomas de Stowe	1291	1291: attorney
	1293	1293: baker
		1295: c,p,p
	1300	1300: c
		1302: i
Nicholaus Sturdy		1275: jr,p,p
	1291: shoemaker*	
	tanner*	
	1293	
Willelmus Tannator de Eltesle	1275	1275: p,p,by,su
Nicholaus le Tanur		1291: p
	1302	1302: p
Willelmus Wygar		1275: v
	1287	
	1291: tanner*	
	1293	
		1295: sd
		1300: p
		1302: l

* License fees for the right to pursue the trade of brewer, butcher, shoemaker, or tanner were paid in the village court, rather than the fair court. Similarly, residents of the town who were accused of forestalling were fined in the village court, although outsiders in the same situation came before the fair court.

TABLE 2

ALNAGERS†

name	year of office	other actions in fair
Thomas de Bocton	1291	
Ricardus Bromholm de Gernem'	1287	
	1288	
	1291	
		1300:..sd
Robertus le Burgylun	1300	
Johannes de Cantia	1275	
		1291: sd,p,su,br

Ricardus Cosine	1293	
Petrus Coyfe de S. Botulpho	1275	
Ricardus de Eylesdon	1287	1287: br,br,p,su
	1288	1288: p
		1291: p
	1293	
	1300	1300: su
Elyas le Moyne	1291	
Johannes de Schuldham	1288	
	1291	1291: p
	1293	
	1300	
Robertus de Schuldham	1287	
Hamo Ulnator de S. Edmundo	1287	1287: su,su,su
	1288	1288: p
	1291	1291: br,p,br
	1293	1293: p

† Alnagers, like jurors, did not need pledges to assume their office as fair officials. See above, n. 60.

TABLE 3
CLOTH MERCHANTS

name	<i>cloth industry</i>		
	activity	legal support	other actions in fair
Johannes de Abyndon			
draparius Londonie	1293: s		1293: sd
Andreas de le Allehe			
draparius de Rochomago	1287: ls		
Martinus filius Rogeri de Amyas	1295: s		
Alanus Aurifaber de Paris	1300: fs		
	1300: s		1300: su
Radulphus le Balauncer	1275: s		
Richardus de Bannebyry	1287: ls	up,up	
Johannes de Bolonia de Huntingdon			1275: su,p,su
	1291: s		1291: p
Willelmus Bronwye	1287: ls		
Johannes de Brykynel	1287: ls		
Galfridus de Cam'	1291: s	up	
Radulphus Capellanus de Eltesle	1287: s	up,up	
Rogerus de Cant'	1291: s	up,up	
Walterus le Chamberleyn			1287: p
	1295: s		1295: p
Perrot de Duaco	1293: s	up,up	
Philippus de Everavyle	1287: ls		
Ricardus Hoppeman de Len	1302: s		
Radulphus de Kolebon de Rochomago	1287: ls		1287: p,sd
Michael de Kyleham de Beverlaco	1275: ls	up,up	1275: p

Nicholaus de Kyrkelade	1293: s		
Willelmus de Kyrkelade	1293: s		
Johannes Mustel	1287: ls		
Johannes de Neuton de Beverlaco	1275: fs	up	
	1275: fs	up,up	1275: p
Robertus de la Pole	1275: s		
	1287: s		
	1287: s	up	
	1287: ls		1287: su,p
Thomas filius Thome de Porta	1275: s		
Robertus de S. Leonardo	1287: s		
	1287: s	up	
	1287: ls		1287: su,p
Simon le Seler de Stanford	1287: s	up	
Thomas de Torollo le Kanevacar	1275: s	up	
Olyverus de Tyrun de Braban	1300: s		
Philippus Vycerel	1291: s	up	
Johannes de Waterbalue de Provins			1287: sd
	1293: s		1293: su,p

TABLE 4

CLOTH AND WOOL AGENTS

name	<i>brokerage activity</i>		
	year	legal support	other actions in fair
Matheus filius Aye	1291	up,up,up,up	
Simon le Blake de S. Edmundo	1275	up,up,up,up	1275: ul,sd
Richardus de Eylesdon	1287	up	
	1287		1287: ul,su,p
			1288: p,ul
			1291: p
			1300: su
Andreus de Ipre	1293	up,up,up	
Ricardus de Notingham	1293	up,up	1293: tc,p
Gilbertus Rybaud	1287		
	1291	up	
Johannes de S. Botulpho			1275: su,p,p,p,p,e
	1291	up	1291: su
			1293: su
Josephus de S. Botulpho			1291: p
	1295	up,up	
			1300: p
Johannes de Toting			1287: su
	1293	up,up,up	1293: p,su,su,p,p, sd,sd,p
			1295: p,sd,sd,su
			1300: st
			1302: sa,p,p,sd, su,ss,ss

Hamo Ulnator de S. Edmundo			1287: ul,su,su,su 1288: ul,p
	1291		
	1291	up	1291: ul,p 1293: ul,p

TABLE 5
SELLERS OF SKINS AND FURS

name	<i>fur trade</i> activity	legal support	other actions in fair
Hugo de Barton	1287: ls		
Henricus le Bonde	1291: fs		
Nicholaus de Bruges	1275: ls		
Johannes Bycke de Notingham	1275: ls		
Willelmus Chyld	1287: ls		
Johannes Curteys	1287: ls		
Willelmus le Euneysse	1287: ls		
Philippus Faunt	1291: fs		1291: p
Ricardus Geroun	1288: ls		
Philippus filius Thome de Graham	1287: ls 1287: ls		
Gilbertus de Grimesby	1287: ls		
Walterus Gryns	1288: fs 1291: fs 1293: fs		1295: sd
Asty de Haddewell	1275: ls		
Ricardus de Hynton	1287: ls		
Henricus de Lewseby	1275: ls		
Johannes de Leycester	1287: ls		1287: sd 1291: i,p 1293: p,sd 1300: su,p,p,sd,p, p,p,p,p 1302: p,p,i
Ricardus de Leycester	1287: ls		
Willelmus de Lilleburne	1275: ls		
Simon de Lolleburn	1287: ls		
Johannes de Lydgate	1291: fs 1293: fs 1293: fs		1291: p 1293: sd
Johannes Martin	1287: ls		1293: p,p
Walterus de Melton	1287: ls		
Radulphus Mercator	1287: ls		
Thomas filius Nicholai Mercator de Notingham	1275: ls		

Hugo de Naseles	1287: ls		
	1287: ls		
Robertus Parsun de London	1287: ls		1291: p,i,su
	1293: fs		1293: sd,su
Laurentius Pelliparius de Notingham	1287: ls		
	1287: ls		
Elya de Salteby	1287: ls		
Simon le Seler de Stanford	1287: s	up	1293: p
Philippus le Skynnere	1302: fs		
Johannes Snowe de Bereford	1275: ls		
Adam de Stoke	1288: ls		
Willelmus Styward de Monte Sorelli	1275: ls		
Thomas de Swaneton de Graham	1287: ls		
Bartholomeus Swyn	1287: ls		
Ricardus le Taverner	1287: ls		1291: p
Radulphus de Thirne	1275: ls		
Odo de Thorp	1275: s	up,up	1275: p
Willelmus de Thorp	1275: s	up,up	
Galfridus Tony	1275: ls		1275: v,p,p
			1288: sd
			1291: l,p
Ricardus de Warewyk de Bannebyr'	1287: ls		
Robertus Wele	1287: ls		
Willelmus de Wykenby de Lincoln	1287: s		
Reginaldus de Wytewange	1293: fs		
Henricus Wyth	1275: ls		

TABLE 6

BAKERS

<i>baking</i>			
name	year	legal support	other actions in fair
Letitia in Angulo	1275		
Ricardus de Avemere	1275		1275: su
Alicia Aylbryt de Hereford	1287		
	1291	up,up	
Cristina Aylbryt	1275		
Rogerus le Barman			1287: rg
			1291: p,p,rg
	1293		1293: sd
			1302: p,p
Robertus Baxtere	1275	up	
Robertus de Bekeswell	1275	up	
Simon le Bocher	1293		1293: sd,sd
Beatrix Bovetoun de Hereford	1275		

Johannes Bryd	1300	up	
Mabilia Bundeleg	1293		
Agatha la Cartere	1275		1275: sd
	1287,1287	up	
Cristina la Cartere	1275		1275: sd
Robertus le Carter	1291		
			1293: p
Rogerus de Catteworth	1300,1300	up,up,up	
Thomas de Catteworth	1300	up,up	
			1302: p
Thomas de Claye	1275		1275: p,sd,p
	1287,1287	up,up	1287: p,p,l
	1291,1291	up,up,up	1291: p,l,sd,su,sd,p
			1293: p,p,p,p,p,p,p,su
	1300,1300	up	1300: p
Nicholaus de Claye			1287: p
	1291		1291: p,p,p,p,p,p
	1293		
Willelmus de Claye	1293	up	1293: p,p,p,p,p
Walterus de Coventre	1275	up	1275: p,sd,p
Robertus de Croyland	1275	up	
Johannes Doke	1291	up,up	
Johanna Donel	1293	up	
Ricardus de Ely	1275		1275: sd
Simon le Eyr	1275		
Alicia de Fenton	1302		
Agnes ad Fontem			1293: rg,rg
	1300	up	1300: l
Henricus de Gernemun	1291	up	1291: sd,sd
Walterus de Gernemuta	1275		1275: sd
Willelmus Godlawe de Hereford	1291	up	
Johannes de Hetham	1291	up	
Agnes filia Roberti de Houtton	1293	up	
Radulphus de Irinham	1275	up	1275: sd
Margarita Ladde de Hereford	1293	up,up	
Walterus Ladde de Hereford	1275		
	1291	up	
Elena de Len	1293	up	
uxor Martini de Len	1293	up	
Thomas de London	1275	up	1275: sa,sd
			1287: sd,sa
			1293: st,ss
Galfridus Longus			1287: p
	1293		1293: sd
			1295: j
Alicia de Northampton	1302,1302		
Alexander de Orewell	1275	up	1275: sd
Willelmus le Oweter	1275		
			1300: sd,ff
			1302: rg

Costentinus Pistor de Cantebury	1291,1291	up,up,up,up,up	
	1302		1302: sd
Johannes Pistor de Rydon	1275	up	1275: p,sd,p
	1287,1287	up	1287: j,p,p,p
	1291	up	1291: p
	1293,1293	up	
	1295		1295: sd
	1300	up	
Rannulphus Pistor	1275	up	1275: p
Ricardus Pistor de Huntingdon			1275: e
			1287: p,p
	1300,1300	up,up	
Robertus Pistor de Lincoln	1287,1287	up	1287: p,su
			1288: p,p,ss
	1291,1291	up,up,up,up	1291: p,i,d
			1293: p,p,p,su,ss
	1300	up	
Rogerus Pistor de Multon	1295		
	1300	up	1300: p,p,p
			1302: p
Thomas Pistor de Multon	1302		
Cecil de S. Botulpho	1295		
Johannes Sebum de Huntingdon	1300,1300	up,up	1300: p,i
Ricardus Sebum de Huntingdon	1300,1300		
Ricardus Seyton	1291	up	1291: p,p
Rogerus de Stanton	1293	up	1293: sd
			1300: p
			1302: sd
Thomas de Stowe			1291: j,p,e,su,i,cu
	1293		1293: j
			1295: e,p,p
			1300: j,c
			1302: i
Galfridus de Swaveseye	1300	up	
Johannes de Swaveseye	1287,1287	up	
	1291	up	
	1293	up	1293: p
Johanna de Walmesford	1291	up	
Agnes atte Welle	1293		
Willelmus de Wendlingborw	1293		1293: p
Richardus Wysebeth de Jakele			1275: su
			1291: p,rg,p,su
	1293		

TABLE 7
TANNERS

name	<i>tanning license</i>		other actions in fair
	year	legal support	
Hugo de Fenton	1291	up	1287: l,p,p,l
			1291: p,p
			1295: p
Galfridus de Hadenham	1291	up	1300: j,p,p
Robertus Mauger			1275: su
			1293: su
	1291	up	1295: p
			1300: j,l
			1302: j
Parvus Hugo	1291	up	1291: l
			1293: p
			1287: j,p
Willelmus Polle	1291	up	1291: su
			1293: j,l
			1300: sd
Nicholaus Sturdy	1291	up	1275: jr,p,p
			1293: j
			1275: p
Matheus Tannator	1291	up	1287: c
			1291: l,l,p,sd
			1293: p,p,sd
	1291	up	1295: p
			1302: c,v
			1275: v
Willelmus Wygar	1291	up	1287: j
			1293: j
			1295: sd
	1291	up	1300: p
			1302: l

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Four Questions by Adam Burley on the “*Liber sex principiorum*”

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THE *logica vetus* provided the middle ages with an Aristotelian essay on ten categories, but the Philosopher had presented the last six of those ten — to act, to undergo action, posture, when, where, to have — with disconcerting brevity.¹ Mediaeval men, therefore, were ready to accept what they named the *Liber sex principiorum* as an authoritative effort to reduce the doctrinal vacuum within which the slighted predicates had their being. In fact, the work does nothing of the kind. As its last editor, Professor Minio-Paluello, has argued, the *Liber sex principiorum* is a collection of fragmentary elements, the most important of which deal with form and with the issue of “the more and the less,” joined, to be sure, with some materials that bear on the categories.² Nevertheless, the work found a place in the *logica nova* and on university reading lists; masters willingly commented on its text or raised and debated problems associated with its pronouncements.

Some ascribed the work to Aristotle himself; Albert, perhaps misled by a remark he could have read in Roland of Cremona, attributed the essay to Gilbert of Poitiers, a mistake that was generally accepted after the appearance of printing. But many mediaeval masters contented themselves with speaking of the *autor* who had given them this useful springboard. Adam Burley was one of these, as was his contemporary, Peter Bradlay, who is represented by disputed questions in the same codex from which the present edition is derived, Gonville and Caius MS 668*.³ Presence in that codex, however, did not guarantee unanimity on the author of the *Liber sex principiorum*; Richard of Campsall is responsible for twenty questions in the collection, yet he would hold in a later work both that Gilbert was the author of the *Liber sex principiorum* and, on that ground, that the Bishop of Poitiers *fuit rudis loycus*.⁴

¹ *Categories* 1; 1^b 25-2^a 4; cf. *Topics* I, 9; 103^b 20-24; *Physics* V, 1; 225^b 5-9; *Metaphysics* V, 8-23; 1017^b 10-1023^a 25.

² *Aristoteles Latinus* 1 6-7 (Bruges-Paris, 1966) 33-59; see XXXIX-LIII.

³ M. R. James, *A Descriptive Catalogue of the Manuscripts in the Library of Gonville and Caius College* (Cambridge, 1908) 2, 665; cf. my *The Works of Richard of Campsall I* (Toronto, 1968) 309, 311.

⁴ *Logica Campsale Anglici valde utilis et realis contra ocham*, University of Bologna MS 2635, fol. 69^v.

Adam Burley is known to have written two series of disputed questions, four on the *Liber sex principiorum* and fourteen on the *De anima*, both contained in the Gonville and Caius codex only, and to have died by 1328.⁵ The name "Burley" evokes the more famous Walter Burley, but there are more substantial reasons to link these masters than the fact that one or another of the six mediaeval English towns called "Burley" served to identify them.⁶

For Walter Burley too is represented in this manuscript collection; of his four works contained therein only one, the *De potentiis anime*, is known to be extant in any other manuscript.⁷ Walter Burley was notorious for his thorough involvement in the system of plural and absentee benefices with which the Church in his day supported clerics who had academic talent.⁸ Two important documents on Adam Burley stem from his engagement in the same system. An entry in the Avignon registers of *Litterae communes*, 26 August, 1318, tells us that he was a master in arts who came into the pastorate of Chew in the diocese of Bath on the resignation of James Berkeley;⁹ another, dated 1 May, 1327, informs us that Adam, by then a doctor of theology, was permitted to accept a canonry and prebendary at Wells along with his pastorate of Aldington in the diocese of Canterbury.¹⁰ Under the same date, Walter Burley is recorded to have received similar clearance for a canonry and prebendary at Chichester which had been vacated by the promotion of James Berkeley to the Bishopric of Exeter; this is the same man who had preceded Adam Burley as pastor of Chew.¹¹ The conviction that we are in the presence of interlocking circles of academic churchmen is reinforced by the entry between those that mention Walter and Adam Burley: it records the interest of the papal chancery on the same day in the affairs of a bachelor of theology named Nigel of Wavere.¹²

Whether a given category might be susceptible of "the more and the less," τὸ μᾶλλον καὶ τὸ ἥττον, seemed to Aristotle and to the author of the *Liber sex principiorum* an important issue. Adam Burley agreed and so

⁵ A. B. Emden, *A Biographical Register of the University of Oxford to A.D. 1500* (Oxford, 1957-1959) 1, 311.

⁶ C. Martin, "Walter Burley," *Oxford Studies Presented to Daniel Callus* (Oxford, 1964) 200.

⁷ J. A. Weisheipl, "Repertorium Mertonense," *Mediaeval Studies* 31 (1969), 188, 190, 200, 201.

⁸ C. Martin, *art. cit.* 223-224.

⁹ *Joannis Papae XXII (1316-1334), Litterae Communes*, edd. G. Mollat, G. De Lesquen (Paris, 1906), 2, 246, no. 8078.

¹⁰ *Ibid.*, 6, 521, no. 28588.

¹¹ *Ibid.*, no. 28586.

¹² *Ibid.*, no. 28587.

devoted the first of his four questions to an examination of how "the more and the less" might be verified with respect to accidental form, the second to how it might relate to substantial form. This ploy permitted him extensive remarks on three of the first four categories — substance, quantity, quality — rather than on the last six. His third question, the basis for which in the *Liber sex principiorum* seems very tenuous, is the question of universals and their status outside the soul. In a fourth question Adam gave an account of action by assigning an agent, and not merely a series of prior actions. No doubt this future doctor of theology was concerned to disavow the eternal cosmos of heterodox Aristotelianism in which every motion bespeaks a prior motion; Adam Burley's world admits, indeed demands, an ultimate Agent.

This text has been edited according to the same norms followed in my editions of Peter Bradlay and of Richard of Campsall.¹³ Briefly stated, spelling — *autor* for example — and capitalization, but not punctuation, have been maintained as they came from the scribes, of whom there were two. Passages in the fourth question were erased and done over by a second hand. Folios 10 and 11 each lack a corner and my conjectures on what is missing are given in pointed brackets. Where emendation is no more than the supply of an obviously necessary letter or word, it is given in pointed brackets without explanation, otherwise the manuscript reading is given in a note. Emendation has been made with reluctance; where Adam calls 'se' as well as 'secundum' in the phrase 'secundum se' a 'preposicio,' he has been allowed to do so (3.20). Italics represent inked frames enclosing headings such as *Ad oppositum*, *Ad questionem*, and the like; italics have been used for titles of books cited, even though the scribes did nothing to set these off from the rest of the text.

Last, it may be mentioned that *Adamus Burlaeus, anglus, philosophus, circa an. 1337* is among the sources cited by Du Cange for his glossary of mediaeval Latin.¹⁴

¹³ Peter Bradlay, *Mediaeval Studies* 29 (1967), 273-327 and *ibid.*, 30 (1968), 1-21; Richard of Campsall, *ed. cit.* above, note 3, 33-34.

¹⁴ *Glossarium Mediae et Infimae Latinitatis*, edd. Du Cange, Carpentier, Henschel, Favre (Paris, 1938) 10, V.

questio prima

distinccio secunda

6 *Principiorum*¹FORMA EST COMPOSICIONI CONTINGENS ET CETERA.²

<Q>ueratur: utrum forma, secundum essenciam suam, suscipiat magis et minus?

<posicio prima>

et quia 'forma' hic diffinita est communis forme accidentali et forme substanciali, ideo primo queratur de forma accidentali: an suscipiat magis?

I

1.01 et videtur quod sic, quia quilibet forma que parcialiter inducitur suscipit magis et minus; sed forma accidentalis est huiusmodi; igitur, et cetera. probacio minoris: secundum formam accidentalem est motus, per aristotelem, quinto *phasicorum*,³ et motus est adquisicio partis post partem illius perfeccionis ad quam vadit, secundum commentatorem;⁴ ex quo sequitur quod forma accidentalis parcialiter inducitur.

1.02 Iterum, motus est ab albo intenso ad album remissum; igitur, in albedine est intencio,⁵ eciam remissio; per consequens, albedo suscipit magis et minus; et albedo est forma accidentalis; igitur, et cetera.

II

1.03 Preterea, si fiat motus a nigro ad album, aliquid termini ad quem inducitur ante finem motus; sed non inducitur tota essencia albedinis ante terminum motus; igitur, aliqua pars albedinis inducitur; per consequens, essencia albedinis est parciabilis et, si sic, albedo suscipit magis et minus. maior huius rationis apparet vera quia, quando motus est, mobile partim est in termino a quo et partim in termino ad quem; igitur, ante terminum motus aliqua pars termini inducitur. probacio minoris: nichil terminat motum formaliter nisi forma ad quam est motus; igitur,

¹ Top marg. questio prima, distinccio secunda, 6 principiorum; left marg. questio prima; the four questions of Adam Burley on issues arising from the *Liber sex principiorum* constitute the second element of this codex.

² Lemma is opening line of the *Liber sex principiorum*: Forma vero est compositioni contingens, simplici et invariabili essentia consistens, ed. Laurentius Minio-Paluello, *Aristoteles Latinus* I 6-7 (Bruges-Paris, 1966), p. 35, ll. 3-4; the word 'vero' is found in the best MSS and the editor argues from it to the fragmentary nature of the work, see pp. xi, lxi.

³ *Physics* V, 1; 224^b 16-19; texts of Aristotle not yet available in the *Aristoteles Latinus* edition, and all texts of Averroes, are cited according to the Venice edition (Apud Iuntas) in 13 volumes that appeared between 1562 and 1576; the present text is to be found there, vol. 4, fol. 208^v K: Est autem et in illis et quod est secundum accidens, et quod est secundum partem... quod fit album in id, quod intelligitur, mutatur secundum accidens.

⁴ *Ed. cit.* vol. 4, fol. 237^r A: quia motus nichil aliud est quam acquirere partem post aliam ex illo, ad quod res mota movet.

⁵ Scribe has expunctuated: est.

si tota essentia forme inducatur ante terminum motus, terminus motus inducetur ante terminum motus — quod est inconveniens quia tunc, idem precederet se ipsum.

1.04 Similiter, si tota⁶ essentia termini ad quem induceretur ante terminum motus, sequeretur quod due forme contrarie simul manerent in eodem subiecto, quia essentia termini a quo manet in toto motu, et hec contrariatur termino ad quem, quia motus est a contrario in contrarium.

III

1.05 Iterum, per aristotelem, septimo *eticorum*,⁷ quedam est forma que secundum se est divisibilis, sicut sanitas; et sanitas est forma accidentalis; igitur, forma accidentalis suscipit magis et minus, quia quilibet forma que est divisibilis suscipit magis et minus.

IV

1.06 Iterum, in quibuscunque formis est quantitas, ibi contingit reperire magis et minus, quia in illis potest esse motus in quibus est quantitas, cum motus sit a contrario in contrarium et, ubi est motus, ibi potest esse magis et minus, quia motus est solum secundum formam parciabilem, et ubi est parciabilitas secundum formam, forma suscipit magis et minus; sed <reperitur> in qualitate quia, secundum aristotelem in *predicamentis*,⁸ albedo contrariatur nigredini; per consequens, qualitas suscipit magis et minus.

V

1.07 Iterum, per aristotelem, qualitas suscipit magis et minus; aut igitur per se aut per additum. si per se, habetur propositum, quod secundum essentiam suam suscipit magis et minus, quia quod inest alicui per se, inest ei per essentiam suam. si per additum, quero de illo addito: aut suscipit magis et minus per se aut per additum?⁹ si per se, eadem ratione standum fuit in primo; si per additum, querendum est de illo, et sic in infinitum; per consequens, vel oportet procedere¹⁰ in infinitum in formis accidentalibus, vel oportet concedere quod aliqua forma accidentalis suscipiat magis et minus secundum essentiam, quia illud additum est quedam dispositio accidentalis.

⁶ Scribe has inserted: tota.

⁷ *Nicomachean Ethics* VII, 14; 1154^b 17-19; *ed. cit.* vol. 3, fol. 109^v K: Ex accidenti autem iucunda appello, quae medicinam afferunt: nam quia accidit, ut medicinam consequamur, dum id quod sanum substat, agit aliquid, propterea esse iucundum videtur; *Eudemian Ethics* VII, 19; 1249^a 21-24, *ed. cit.* vol. 3, fol. 222^v I makes the progressive recovery of health and the consequent divisibility of the form 'health' more explicitly: Quoniam autem est quidam medico terminus, ad quem referens sanum corpus iudicat, et cuius respectu aliquosque progrediendo sanum sit efficiendum corpus...

⁸ *Categories* 10; 11^b 35-37; *Aristoteles Latinus, Categoriae vel Praedicamenta*, ed. Laurentius Minio-Paluello (Bruges-Paris, 1961), p. 31, 11. 17-18: neque enim bonum mali dicitur bonum, sed contrarium; nec album nigri album, sed contrarium.

⁹ Scribe has expunctuated: essentiam.

¹⁰ Em. MS: concedere.

1.08 *Ad oppositum* est autor huius libri;¹¹ dicit enim quod forma est consistens in simplici essentia; et illud quod est simplex non suscipit magis et minus; igitur, et cetera.

<positio secunda>

1.09 Circa istam questionem sunt diverse opiniones: uno modo ponitur quod forma accidentalis, sicut qualitas, non suscipit magis et minus (9^r a/b) secundum essentiam, sed solum secundum esse in subiecto, ex hoc quod in subiecto est diversa dispositio et diversa. unde, secundum quod subiectum est magis dispositum vel minus dispositum, secundum hoc recipit albedinem magis vel minus et similiter est de aliis qualitatibus que intenduntur et remittuntur. istud apparet per auctoritatem et per rationem: per auctoritatem simplicii, *super predicamenta*;¹² dicit enim quod forma secundum essentiam non suscipit magis et minus et, secundum simplicium, hec fuit opinio archite.

1.10 similiter, secundum avicennam, primo *metaphisice*, capitulo quarto;¹³ dicit enim quod unaquaque res habet certitudinem propriam, sed certitudo debet esse indivisibilis quia, per aristotelem, 01 *metaphisice*,¹⁴ de ratione mesure est esse indivisibile et certitudo rei est eius mensura.

1.11 similiter, istud idem apparet per aristotelem, 8 *metaphisice*;¹⁵ dicit enim quod sicut est in formis, sic est in numeris; sed in numeris, quacunque unitate addita, variatur species numeri; igitur, similiter erit in formis quod, quocunque addito, variatur species. ex quo sequitur quod nulla forma suscipit magis et minus per essentiam quia, si sic, forma esset variabilis secundum species, et hoc loquendo de una forma specifica.

1.12 similiter, autor 6 *principiorum*¹⁶ videtur huic consentire quia forma in essentia est indivisibilis, secundum eum; per consequens, non suscipit magis et minus secundum essentiam. ex istis auctoritatibus sequitur quod forma secundum essentiam suam non suscipit magis et minus.

¹¹ See above, note 2.

¹² *Simplicii in Aristotelis categorias commentarium*, ed. C. Kalbfleisch (*Commentaria In Aristotelem Graeca*, vol. 8, Berlin, 1907), p. 178, l. 16-p. 179, l. 16; comment bears on *Categories* 7; 6^b 15-27.

¹³ *Avicennae Opera Philosophica* (Venice, 1508), Tractatus primi secundi libri, capitulo primo (no pagination): unaqueque enim res habet certitudinem que est id quod est.

¹⁴ *Metaphysics* X, 1; 1052^b 16, 18, *ed. cit.* vol. 8, fol. 250^v L, M: Propter quod unum esse est indivisibile esse... Maxime autem mensuram esse cuiusque generis primam, et maxime proprie quanti. hinc enim et ad alia advenit. Mensura enim, idest quo quantum cognoscitur: cognoscitur autem quantum ut quantum, aut uno, aut numero: omnis vero numerus uno.

¹⁵ *Metaphysics* VIII, 3; 1043^b 33-39, *ed. cit.* vol. 8, fol. 217^r E, F: Manifestum autem hoc etiam est, quod si aliquo modo substantiae numeri sunt, ita sunt: et non, quemadmodum quidam dicunt unitatum... quemadmodum de numero, ablato aut addito aliquo, ex quibus numerus est, non est amplius idem numerus, sed diversus...

¹⁶ To line cited above, note 2, add, *ed. cit.* 11. 4-7: Compositio etenim non est, quoniam a natura compositionis sciungitur; compositionum enim unaqueque alteri adveniens compositioni maiorem se coniunctam quodam modo efficit, in forma autem hoc minime est.

1.13 similiter, hoc potest probari per rationem nam, si forma in essentia sua susciperet magis et minus, sequatur hoc inconveniens: quod essentia speciei esset participata secundum magis et minus ab individuis eiusdem speciei quia, si forma suscipiat magis et minus secundum essentiam, hoc non potest esse secundum idem individuum quia in eodem individuo non est diversitas essentialis; igitur, hoc erit in diversis individuis eiusdem speciei; per consequens, individua eiusdem speciei participabunt formam specificam¹⁷ secundum magis et minus. et ex istis sequitur quod qualitas suscipit magis et minus secundum esse quod habet in subiecto solum, sed modus secundum quem suscipit magis et minus ponitur talis: si sit motus a qualitate contraria ad aliam qualitatem contrariam, ut a nigro in album, tota essentia termini ad quem inducitur in subiecto ante finem motus sub gradu imperfecto et postea movitur, quantum ad eandem essentiam, sub gradu perfectiori. et ista variatio in gradibus est ex diversa dispositione subiecti; ex hoc enim quod est remissio in gradibus forme prioris est intensio in gradibus forme posterioris. et ista intensio et remissio est ex diversa dispositione subiecti; ideo, tota causa intensionis et remissionis in forma ponitur ex parte subiecti.

<contra positionem secundam>

1.14 Contra istam positionem arguitur: videtur quod intensio et remissio in formis non sit propter diversas dispositiones subiecti, immo magis econtra quia, per aristotelem, 8 *metaphysice*,¹⁸ diversitas materie est propter diversitatem forme et non e contrario quia materia est propter formam et non e contrario. unde, secundum aristotelem, in alia et alia specie est alia et alia materia. ex hoc arguitur sic: diversitas penes dispositionem subiecti est diversitas materialis; igitur, ista diversitas non est causa diversitatis in forma, sed e contrario. ex quo sequitur quod intensio et remissio <forme> est causa intensionis et remissionis in subiecto; per consequens, forma non intenditur et remittitur secundum diversam dispositionem subiecti.

1.15 Iterum, si forma accidentaliter suscipiat magis et minus rationis diverse dispositionis subiecti, quero de ista dispositione: aut suscipit magis et minus secundum essentiam aut secundum dispositionem in subiecto? si primo modo, habetur propositum, quod qualitas secundum essentiam suam suscipit magis et minus, quia illa dispositio est¹⁹ in prima specie qualitatis. si detur secundum, quero de illa alia dispositione: aut suscipit magis et minus secundum essentiam aut per aliam dispositionem additam? si per aliam, est procedere (9^r b/9^v a) in infinitum, ex quo sequitur quod aliqua qualitas suscipit magis et minus secundum essentiam vel oportet procedere in infinitum in qualitatibus.

1.16 Iterum, si qualitas suscipit magis et minus secundum²⁰ esse quod habet in subiecto et non secundum essentiam, sequeretur quod subiectum diceretur magis et minus et non forma; consequens falsum; ex hoc quod albedo est in corpora remissior, subiectum dicitur esse albius et minus album.

¹⁷ Scribe has expunctuated: eiusdem.

¹⁸ *Metaphysics* VIII, 2; 1043^a 18, *ed. cit.* vol. 8, fol. 213^v K: videtur etenim ea quidem, quae ex differentiis ratio fit, formae et actus esse. quae vero ex his quae insunt, materiae magis.

¹⁹ Em. MS: repeats: est.

²⁰ Em. MS: secundum quod esse.

1.17 Iterum, arguitur contra modum posicionis: si tota essentia termini ad quem induceretur in subiecto ante terminum motus, sequeretur quod nullus motus esset unus a contrario in contrarium quia motus, qui est secundum formas contrarias, non est unus nec continuus, per aristotelem, 8 *phasicorum*,²¹ ubi dicit quod motus reflexus non est unus quia componitur ex motibus contrariis. sed, si essentia termini ad quem induceretur ante terminum motus, verbi gracia, si fiat motus a nigro in album, iste motus erit secundum formas contrarias quia secundum remissionem nigredinis et secundum intensionem albedinis; ex hoc enim quod essentia albedinis inducitur primo sub gradu imperfecto, postea erit in termino albedinis, et differentia est intencio albedinis et remissio nigredinis, si sit motus a nigro in album.

1.18 Iterum ad idem: si in principio motus inducatur essentia termini ad quem, sequeretur quod forme contrarie simul erunt in eodem subiecto, quia nigredo adhuc manet in motu quia forma termini a quo manet usque ad terminum motus. ex quo sequeretur quod essentia albedinis et essentia nigredinis manent simul in eodem subiecto, et ista sunt contraria, quia differentie essenciales sunt contrarie et differentie essenciales accipiuntur ab essentia rei et non ab alico gradu extrinsico, et differentie contrarie non acquiruntur nisi ab essenciis contrariis; ex quo sequitur quod essentia albedinis et nigredinis sunt contraria.

1.19 Iterum, eodem modo concedit aristoteles in *predicamentis*,²² qualitatem suscipere magis et minus, quo modo negat hic a quantitate et a substantia; sed tam substantia quam quantitas suscipit magis et minus secundum esse in subiecto; de quantitate est manifestum quia secundum quantitatem est motus, secundum aristotelem, quinto *phasicorum*.²³

1.20 similiter, hoc est verum de substantia, per aristotelem, 8 *metaphisicorum*,²⁴ ubi dicit quod forma substantialis non suscipit magis et minus nisi ut est in materia. ex quo sequitur quod qualitas alio modo suscipit magis et minus quam secundum esse quod habet in subiecto, et hoc non potest esse nisi secundum essenciam.

1.21 Iterum, videtur quod tota essentia termini ad quem non inducitur in principio motus quia in medio motus non acquiritur tota essentia termini ad quem; igitur, nec in principio. consequentia patet quia plus plus perfeccionis habet mobile in medio motus quam in principio motus. Assumptum patet quia in medio motus est mobile sub forma media, sicut patet si motus interrumpatur et forma media est imperfeccior quam forma extremi.

1.22 Iterum, videtur quod forma suscipiat magis et minus secundum essenciam et non secundum dispositionem in subiecto quia aliqua forma accidentalis, que non radicatur in subiecto, habet maiorem intencionem quam illa que radicatur in subiecto, sicut aliquis est magis rubius propter verecundiam quam alius qui est rubius ex compleccione; ista dispositio non potest esse ex parte subiecti; igitur, et cetera.

²¹ *Physics* VIII, 8; 262^a 10, *ed. cit.* vol. 4, fol. 403^r E: et non fiat reflexio, propterea quia contraria mutuo se corrumpunt, et impediunt...

²² *Categories* 8; 10^b 26, *ed. cit.* p. 28, l. 23: Suscipit autem qualitas magis et minus.

²³ *Physics* V, 1; 225^b 7-9, *ed. cit.* vol. 4, fol. 213^v M-214^r A: necesse est tres esse motus, eum qui quantitatis, et eum, qui qualitatis, et eum, qui secundum locum est.

²⁴ *Metaphysics* VIII, 3; 1044^a 9, *ed. cit.* vol. 8, fol. 217^v H: Et quemadmodum nec numerus habet magis et minus, ita neque substantia, quae secundum formam est; see also note 18 above.

<declaracio prima>

1.23 *Ad questionem: dicitur aliter* quod aliqua qualitas suscipit magis et minus et aliqua non, quia ratio intencionis et remissionis in qualitate est ex divisibilitate qualitatis (9^v a/b) ex hoc quod qualitas consistit in quadam latitudine graduum; illa igitur qualitas, que habet quandam latitudinem graduum, suscipit magis et minus et huiusmodi sunt qualitates que sunt in tertia specie qualitatis quia, secundum aristotelem, septimo *phasicorum*,²⁵ solum in qualitatibus tertia speciei est alteracio et alteracio est in qualitate ex hoc quod qualitas est divisibilis secundum gradus. ex quo sequitur quod in qualitatibus tercie speciei est divisibilitas secundum gradus. Alie sunt qualitates que consistunt in indivisibili et non habent latitudinem graduum, sicut sciencia et virtus, et omnes qualitates que sunt in aliis speciebus qualitatis quam in tertia. unde, secundum aristotelem in septimo *phasicorum*,²⁶ secundum tales qualitates non est alteracio per se et ideo, in talibus qualitatibus non est magis et minus quia in talibus non est divisibilitas graduum, immo, quelibet illarum consistit in uno gradu indivisibili et sic apparet quod aliqua qualitas suscipit magis et minus et aliqua non.

1.24 Sed ulterius est dicendum quod multipliciter ponitur causa huius intencionis et remissionis in qualitate:

1

uno modo ponitur quod talis causa est ratio extensionis subiecti, ex hoc quod subiectum est divisibile in partes quantitativas in subiecto potest esse maior qualitas vel minor qualitas et ex hoc intenditur qualitas et remittitur quia, secundum aristotelem in *predicamentis*,²⁷ quanta superficies, tanta albedo dicitur esse. et sic ponitur quod maioritas quantitatis et minoritas ex parte subiecti est causa quare qualitas suscipit magis et minus.

2

1.25 secundo modo ponitur causa ex hoc quod est appropinquacio maior ad illud cui fit inposicio nominis et ita, appropinquacio est causa intencionis forme et secundum quod fit recessus ab inposicione, sic est remissio in forma. unde, secundum istum modum, nomen abstractum non inponitur rei nisi in gradu summo, sicut nomen 'albedinis' non inponitur nisi albedini in gradu supremo et, secundum appropinquacionem vel recessum ad istum gradum, albedo dicitur suscipere magis et minus.

²⁵ *Physics* VII, 4; 248^a 6-9, *ed. cit.* vol. 4, fol. 325^r A, B: Manifestum igitur ex dictis quod alterari, et alteratio in sensibilibus fit, et in sensitiva animae parte, in alia vero nulla nisi secundum accidens; on the 'species tertia' see *Categories*, 9^a ff.

²⁶ *Physics* VII, 3; 246^b 20 and 247^b 1, *ed. cit.* vol. 4, fol. 324^r C and 324^v K: eodem modo et in virtutibus, et vitiis... quare non alterationis; ... neque in intellectiva parte animae est alteratio.

²⁷ *Categories* 6; 5^b 1-2, *ed. cit.* v. 15, 11. 20-21: ut multum dicitur album eo quod superficies multa sit.

3

1.26 tercio modo ponitur causa huius intencionis et remissionis ex particione contrarii; ex hoc quod unum contrarium minus est mixtum cum suo contrario debet intendi et ex hoc quod magis est permixtum debet remitti; illud, enim, debet esse albius quod est nigro inpermixtius.

4

1.27 quarto modo ponitur causa ex parte gradus intensi et gradus remissi eiusdem forme. unde, ponitur quod, sicut in substantia est determinata racione magnitudinis et au<g>menti, sic ponitur esse in qualitate nam in substantia ponitur unus gradus, ultra quem non est accipere maiorem, et alium, citra quem non contingit accipere minorem, sicut apparet per aristotelem, secundo *de anima*,²⁸ contingit accipere carnem minimam quia, per ipsum ibidem: *Omnium natura constantium* et cetera. eodem modo, in albedine contingit accipere unum gradum minimum in quo minori non salvatur natura albedinis et eciam contingit accipere unum gradum maximum, ultra quem non est maior gradus albedinis, et secundum accessum ad istum gradum non debet albedo intendi et recessum remitti debet. et sic ponitur causa intencionis et remissionis qualitatis ex appropinquacione vel recessu ab istis duobus gradibus extremis. (9^vb/10^a)

1.28 Contra ista arguitur, et primo contra causas intencionis et remissionis:

ad 1

prima causa non videtur vera quia, si sic, sequeretur quod forma substantialis suscipit magis et minus quia forma substantialis extenderet ad extensionem subiecti in quo est, ut apparet de forma aeris et de forma ignis; igitur, si extensio forme in subiecto esset causa quare forma suscipit magis et minus, forma substantialis susci-peret magis et minus — quod est falsum.

1.29 Iterum ad id: nos dicimus quod margarita est maior equo et, tamen, equus est maior in quantitate quam margarita; igitur, intencio qualitatis potest esse alio modo quam secundum extensionem subiecti.

ad 2

1.30 Preterea, contra secundam causam arguitur sic: non, hoc dato, sequitur quod quodlibet album esset albedinum quia²⁹ si nomen 'albedinis' inponatur albedini solum in gradu supremo, quodlibet album haberet supremum gradum albedinis et tale est albedinum; igitur, et cetera.

ad 3

1.31 Preterea, contra terciam causam: permixtio cum contrario non videtur esse causa huiusmodi intencionis et remissionis quia aliqua forma suscipit magis et minus

²⁸ *De anima* II, 4; 416^a 8-18 on form and size; the quoted phrase, is precisely lines 16-17, *ed. cit.* vol. 6, fol. 71^r C: at omnium natura constantium terminus statutus est.

²⁹ Em. MS: repeats: quia.

que non habet contrarium quia habitus non habet contrarium, secundum auctoritatem huius,³⁰ et, tamen, habitus suscipit magis et minus quia eques dicitur armatorum pedite.

1.32 similiter, lumen in medio suscipit magis et minus et, tamen, non habet contrarium quia tenebra opponitur lumini et tenebra est sola privatio.

ad 4

1.33 Preterea, quarta causa non videtur vera et ex ea sequitur inconveniens nam, dato quod quantitas minimum gradum haberet sub quo salvatur eius natura, sequitur quod contingit accipere ultimum rei permanentis in esse — quod est contra aristotelem in octavo *phasicorum*.³¹ probatio assumpti: accipiat caliditas sub gradu minimo et approximetur frigidum illi calido; frigidum agit in calido in dando frigiditatem continue; cum, igitur, illud calidum non potest remitti quia non potest esse sub minori gradu, in hoc instanti est calidum et nunquam erit hoc calidum post hoc instans quia in toto tempore post hoc instans, dum motus durat, induceretur gradus frigiditatis; sed isti gradus repugnant ultimo gradui caliditatis; per consequens, contingit dare ultimum esse caliditati.

1.34 Iterum ad idem: si extrema sint infinita, media non erunt infinita inter extrema, per aristotelem, primo *posteriorum*;³² sed infiniti sunt gradus albedinis,³³ et sub quolibet eorum potest in alio dare motum et sic, quilibet corrumpit esse in actu; ex quo sequitur quod in albedine non sunt duo gradus extremi quia tunc sequeretur quod inter extrema finita possint esse media infinita.

1.35 Iterum contra positionem: videtur quod qualitas, que est prima specie qualitatis, suscipiat magis et minus, quia sanitas et virtus sunt in prima specie qualitatis et sanitas consistit in quadam latitudine graduum; aliquis enim potest esse sanior vel minus sanus, et iustus et minus iustus, quod non esset nisi sanitas et iusticia haberent multos gradus et, ubicunque est multitudo graduum, ibi potest esse magis et minus; igitur, et cetera.

<declaracio secunda>

1.36 *Ad questionem*: dicendum est quod qualitas suscipit magis et minus secundum gradus (10^aa/b) essencie. Ad cuius consonanciam tria sunt declaranda; primum est: quot modis aliquid dicitur suscipere magis et minus? secundum est modus

³⁰ *Ed. cit.* p. 28, l. 4: Habitui quoque nichil est contrarium; for illustration, *ibid.*, p. 27, ll. 21, 22: Suscipit autem habitus magis et minus. Armator enim eques pedite dicitur...

³¹ *Physics* VIII, 8; 263^b 9 ff., *ed. cit.* vol. 4, fol. 411^r F-411^v H for Aristotle's insight beneath this reference; see also, *Physics* VI, 3; 233^b 33-234^a 3, *ed. cit.* vol. 4, fol. 261^v L, M: Necesse autem est et ipsum Nunc, quod non secundum alterum, sed per se, et primum dicitur, indivisibile esse, et in omni tempore tale inesse. Est enim ultimum quoddam praeteriti, cuius versus haec nihil futuri est: et rursus futuri, cuius versus illa nihil est praeteriti: quod utique diximus utrorumque esse terminum.

³² *Posterior analytics* I, 22; 84^a 29-30; *Aristoteles Latinus* IV 3, *Analytica posteriora* Gerardo Cremonensi interprete (Bruges-Paris, 1954), p. 46, ll. 4-5: Et cum hoc ita sit, et res que comprehenduntur sunt inter duos terminos sint semper finite...

³³ Scribe has cancelled: sed.

secundum quem qualitas dicitur suscipere magis et minus; tertium est: que est illa intencio et remissio qualitatis que sufficit ad motum?

1.37 Circa primum est sciendum quod intencio et remissio in forma est ex divisibilitate forme et divisibilitas est in forma dupliciter: vel secundum extensionem subiecti in quo est, et ista divisibilitas non est causa intencionis et remissionis in forma quia forma substancialis extenditur in materia et, tamen, <non> suscipit magis et minus; alia est divisibilitas forme secundum gradus. sed cui plures sunt gradus forme, quidem sunt gradus essencie et essenciales, sicut illi a quibus accipiuntur difference specificæ et etiam difference indivisibiles. et isti gradus sunt intrinseci forme et secundum tales gradus forma nec intenditur nec remittitur quia una forma specifica, sicut albedo, solum habet unum gradum essencialem a qua accipitur differentia specifica et ideo forma non habet latitudinem talium graduum.

1.38 Alii sunt gradus essencie et non essenciales, et huiusmodi gradus sunt gradus intencionis et remissionis in forma, et a nullo istorum graduum sumitur differentia specifica, nec etiam ab alicuius istorum iudicatur forma et ideo non dicuntur esse gradus essenciales tanquam intrinseci. et secundum istos gradus intenditur albedo et remittitur et toti latitudini istorum graduum correspondet unus gradus essentialis intrinsecus. et licet isti gradus essenciales non sint, tamen sunt gradus proprii essencie, ita quod non ipsius forme ex dispositione subiecti.

1.39 tercii sunt gradus qui nec sunt essencie nec essenciales et isti sunt gradus forme respectu subiecti vel respectu obiecti, verbi gratia, sciencia dicitur esse magis et minus in subiecto ex hoc quod perfectius informat subiectum vel minus perfecte. et etiam respectu obiecti dicitur esse magis vel minus ex hoc quod sciencia unius hominis intimius est respectu obiecti quam sciencia alterius. unde, posito quod duo homines habent equalem scienciam vel equalem iusticiam, adhuc unus eorum potest plura opera iusticie exercere per iusticiam suam, et illum hominem dicimus esse iusticiorem. ista intencio non est ex parte iusticie sed est in operibus iusticie. sic homo per scienciam suam potest clarius apprehendere unum obiectum ex frequenti exercitacione et illum dicimus esse scienciozem, vel magis scientem, licet aliquis habeat equalem scienciam cum eo. et sic possunt esse gradus intencionis et remissionis, qui non sunt gradus forme, sed sunt gradus ipsius subiecti vel ipsius obiecti. et hoc modo est latitudo graduum in qualitatibus <que> sunt in prima specie qualitatis.

1.40 De secundo est sciendum quod suscipit magis et minus secundum gradus secundo modo dictos quia, secundum istos gradus, per se potest esse alteracio et <quod suscipiat> magis et minus per se secundum gradus. tercio modo <autem ly> 'magis et minus' magis dicitur esse ex parte subiecti <quam ex parte> forme.

1.41 Ex istis detur tertium quod intencio et remissio (10^b/10^{va}) que est secundum gradus secundo modo dictos sufficit ad motum quia isti³⁴ gradus sunt per se gradus forme, licet non sint essenciales. et ideo, secundum istos gradus, est tercia alteracio secundum formam, et tales gradus sunt solum in tercia specie qualitatis. sed gradus ultimo modo dicti non sufficiunt ad motum quia non sunt gradus forme nisi per accidens. secundum huiusmodi qualitates, solum est alteracio per accidens, ut secundum scienciam et virtutem. et hec est intencio aristotelis, septimo *phisicorum*,³⁵ ubi declarat secundum quales qualitates est alteracio.

³⁴ Em. MS: iste.

³⁵ Text given above, note 25.

1.42 Ex istis breviter apparet quod in qualitatibus tercie speciei est intencio et remissio per se, sed in qualitatibus prime speciei est per accidens intencio et remissio quia intencio et remissio in qualitate est solum secundum gradus qualitatis et qualitatis tercie speciei sunt gradus per se, ut declaratum est quod ista latitudo graduum est ipsius forme secundum se. sed in qualitatibus prime speciei, ut in sciencia et virtute, solum est latitudo graduum per accidens, ita quod isti gradus non sunt ipsius forme secundum se.

1.43 similiter dico quod qualitas³⁶ suscipit magis et minus secundum genus subalternatum, et eciam secundum speciem, et secundum individuum, sed non secundum genus supremum quia unum quale non dicitur magis quale quam alterum. sed ex parte alterius unum potest esse albius alico, et eciam idem suppositum potest intendi et remitti, sed non ita dicitur proprie esse magis et minus secundum genus subalternatum, sed secundum speciem attotam.

<ad rationes principales>

1.44 *Ad rationes pro parte* quod videntur probare quod qualitas suscipit magis et minus secundum gradus essencie, et hoc concedendum est secundum quod modo dictum est. unde, quia alia argumenta accipiunt falsas propositiones, licet non si<n>t contra conclusionem, ideo respondendum est ad eas.

ad I

1.45 *Ad primam rationem*: dicendum quod maior est falsa, quia forma substantialis potest induci parcialiter ad extensionem materie et, tamen, non suscipit magis et minus. unde, ad hoc quod aliqua forma suscipiat magis et minus, requiritur quod illa forma consistat in quadam forma graduum, et forma substantialis consistit in uno gradu indivisibili.

ad II

1.46 *Ad secundam rationem*: dicendum quod in principio alteracionis non inducitur essencia termini ad quem ut pars essencie. ad probacionem, quod, pro tanto dicitur mobile, dum movetur, partem esse in termini ad quem et in termino a quo quia partem in termino ad quem proximo et in termino a quo proximo, et non est intelligendum de termino ultimo. et ideo non oportet quod mobile in principio motus habeat aliam partem ultimi termini nec eciam essenciam eius.

ad III

1.47 *Ad aliam rationem*: quando dicitur quod sanitas secundum se est divisibilis, dicendum quod secundum se potest accipi dupliciter: vel secundum quod li <'secundum' se> excludit medium, sic dicimus superficies 'secundum se' est alba quia non per medium. alico modo accipitur 'secundum se' secundum quod denotat causalitatem et hoc modo sanitas non est divisibilis 'secundum se' sed eius divisibilitas, sive accipiat divisibilitas secundum extensionem parcium, sive secundum diversitatem graduum, huiusmodi diversitas est immediate ex qualitatibus primis affective et ex subiecto materialiter.

³⁶ Em. MS: repeats: quod qualitas.

ad IV

1.48 *Ad aliam rationem*: illa verum concludit.

ad V

1.49 *Ad aliam ultimam*: dicendum quod qualitas suscipit magis et minus secundum gradus essencie et non suscipit magis et minus secundum gradus essenciales, nec <conc>ludit ratio

1.50 *Ad rationem in oppositum*: dicendum quod forma dicitur ex <isto quod consistit> in essencia simplici quia non dividitur secundum gradus essenciales ex <se ipsa> vel Aliter dicitur communiter quod autor includit quod forma est illius <compos> ite simplex, que componitur compositione ex materia et forma.

1.51 *Ad (10^aa/b) autoritates* secunde posicionis, quia videntur contra viam: dicendum quod simplicius et avicenna intelligunt quod forma non suscipit magis et minus secundum gradus essenciales quando dicunt quod forma non suscipit magis et minus secundum essenciam; tamen, suscipit magis et minus secundum gradus essencie.

1.52 *Ad rationem* adductam in eadem posicionem de numeris: dicendum quod sicud³⁷ numerus non suscipit magis nec minus, sic nec forma. sed numerus nec suscipit magis nec minus secundum differentiam specificam; quilibet enim unitas addita constituit aliam differentiam specificam, et eodem modo pono in qualitate quod quilibet qualitas una habet unum gradum essencialem intrinsicum a quo sumitur differentia eius specifica et ab isto gradu non potest qualitas variari, manente³⁸ sua specie. habet, tamen, plures gradus proprios essencie et non intrinsicos.

1.53 *Ad aliam*, contra primam posicionem, quia illa capit falsum: dicendum quod substantia non suscipit magis et minus. et *Ad probacionem*: dicendum quod aristoteles³⁹ in octavo non intendit quod forma substantialis, ut est in materia, suscipit magis et minus secundum gradus substantia, sed solum intendit quod est intencio et remissio in disposicionibus qualitatuum consequencium formam secundum esse quod habet in materia.

1.54 *Ad ultimum argumentum* contra quartam causam dictam in secunda posicionem: dicendum quod, si accipiatur calidum sub minimo gradu quo subsistit, si approximetur frigidum et agat in calidum, iste gradus minimus statim corumpetur. et concedo quod contingit dare ultimo calidi sub gradu minimo sub quo existit, non, tamen, ultimum simpliciter, quia preter gradum minimum sub quo existit sunt gradus minores in fieri. sed sub nullo eorum potest manifestari calidum nisi per instans. et ideo, expulso isto gradu minimo sub quo existit, per tempus erit sub aliis gradibus minoribus.

1.55 *Ad aliam rationem*: dicendum quod non est inconveniens inter extrema finita esse infinita media in potencia, et sic est in proposito, quia isti gradus infiniti inter supremum calidum et infimum sunt gradus potenciales.

³⁷ Scribe has inserted: sicud.

³⁸ Em. MS: mediante.

³⁹ Scribe has expunctuated: in capitulo; reference is to text adduced above, note 24.

questio secunda

Queratur: an forma substantialis suscipiat magis et minus?

I

2.01 videtur quod sic; illud quod est propinquius alicui primo magis participat illo primo quam ille¹ qui est remotius ab illo;² sed aliqua est substantia que est propinquior prime substantie, sicut substantia separata est propinquior prime cause que est prima substantia quam substantia materialis et, per consequens, una substantia est magis substantia quam alia; igitur, et cetera.

II

2.02 Iterum, secundum commentatorem, tercio *celi et mundi*,³ forme elementares, quia sunt medie inter substantiam et accidens, ideo suscipiunt magis et minus et ratio commentatoris est ista: elementa aut totaliter manent in mixto secundum suas formas aut totaliter corumpantur aut remittuntur; sed nec primum nec secundum est dandum quia, si totaliter manerent in mixto, mixtum non esset vere unum, et si totaliter corumperentur, nichil de elemento maneret in mixto nisi materia prima, quod est contra aristotelem quia, per ipsum,⁴ mixtum habet resolvi in elementa quod non esset nisi mixtum componetur ex elementis; per consequens, oportet dicere quod in mixto manet forma elementi secundum aliquem gradum quia ex eisdem componentur res in quibus resolvuntur.

III

2.03 Iterum, quecumque forma variatur secundum diversos gradus, illa suscipit magis et minus; sed forma substantialis est huiusmodi; igitur, et cetera. minor apparet per aristotelem, sexto decimo *de animalibus*:⁵ embrio (10^vb/11^a) in matrice

¹ Sic, 'ille qui,' despite parallel: 'illud quod.'

² Em. MS: illa.

³ *De coelo* III, ed. cit. vol. 5, fol. 227^r CD: Dicemus quod formae istorum elementorum substantiales sunt diminutae a formis substantialibus perfectis, et quasi suum esse est medium inter formas, et accidentia... *ibid.*, fol. 226^v K, L: Et causa huius est, quia nihil recipit se. et si haberent figuram substantialem, contingeret alterum duorum, scilicet quod aut non reciperet figuram omnino, aut reciperent ipsam, cum corrumpetur sua figura, et tunc non remanerent elementa, quoniam quod apud generationem alterius corrumpitur secundum totum, non est ei elementum, quoniam elementum est illud, quod invenitur pars elementati. Et, cum hoc, quod contingit in elementis, similiter contingit in prima materia... *ibid.*, fol. 227^r BC: Et quaerendum est, quia de causa non remanent formae eorum elementorum in actu, derentes alias formas, quas recipiunt... necesse est cum ex eis generatur una forma ut corumpantur formae eorum secundum medietatem... Si igitur aliquis dixerit, quod sequitur ex hoc ut formae eorum substantiales recipiant magis, et minus: et haec est dispositio accidentium, non formarum substantialium: dictum est enim in multis locis quod formae substantiales non recipiunt magis et minus.

⁴ *De generatione et corruptione* II, ed. cit. vol. 5, fol. 381^r F: De elementis autem, ex quibus corpora constituta sunt...

⁵ *De generatione animalium* II, 3; 736^b33-736^b2, *Aristoteles Latinus* XVII 2.v (tr. Guillelmi de Moerbeke) ed. H. J. Drossaart Lulofs (Bruges-Paris, 1966), p. 53, ll. 5-10: ... nichil enim minus

prius vivit vita plante quam vita animalis et prius vita animalis quam vita hominis, quod non esset nisi in substantia rei generande essent diversi gradus secundum quos esset generatio successiva possibilis; igitur, et cetera. Ad hanc rationem dicitur quod ista diversitas graduum non est secundum formam eiusdem speciei et ideo non sequitur quod aliqua forma substantialis eiusdem speciei suscipiat magis et minus.

2.04 Contra istud: diversitas secundum magis et minus in per se effectu arguit diversitatem in consimilem in per se causa, per aristotelem, secundo *de generatione*;⁶ idem, inquam, idem semper est natum facere idem; sed caliditas est per se affectus forme ignis et caliditas suscipit magis et minus secundum⁷ diversos gradus; igitur, forma substantialis ignis intenditur et remittitur secundum diversos gradus.

IV

2.05 *Iterum, aliud principale*: 'magis et minus' attenditur penes perfeccionem et imperfeccionem; sed una substantia est perfeccior alia; igitur, et cetera.

V

2.06 *Iterum*: ad quamcunque formam est motus, illa suscipit magis et minus; sed ad substantiam est motus; igitur, et cetera. probatio minoris: nam, si ignis agat in aerem corumpendo aerem, prius corumpitur una pars aeris quam alia, igitur prius inducitur forma ignis in una parte materie⁸ aeris quam in alia; per consequens, induccio forme ignis est successiva; et quelibet forma que inducitur successive inducitur per motum; igitur, et cetera.

VI

2.07 Preterea, calidum ignis potest intendi et remitti, manente igne, et quando remittitur, depellitur aliqua pars caliditatis; aut, igitur, est remissio in substantia aut non. si sic, habetur propositum, quod substantia potest intendi et remitti; si non, cum in homogeniis idem sit iudicium de toto et de parte, tota substantia ignis poterit manere, corrupta qualibet parte caliditatis eius — quod est inconveniens. assumptum apparet quia, eadem ratione qua corrupta una parte caliditatis manet tota substantia ignis, manebit tota substantia, corrupta alia parte, et sic de qualibet parte caliditatis, ex quo sequitur quod ad remissum caliditatis in igne sequitur remissio substantie ignis, quod non esset nisi forma substantialis ignis susciperet magis et minus.

VII

2.08 *Iterum*, in quocunque genere est contrarietas, in eodem contingit reperire magis et minus quia, ubi est motus possibilis, ibi contingit reperire magis et minus;

spermata et fetus animalium vivunt quam plantarum... procedentia autem et sensitivam secundum quam animal. Non enim simul fit animal et homo...

⁶ *De generatione et corruptione* II, 2; *ed. cit.* vol. 5, fol. 385^r E: idem enim et similiter se habens semper idem natum est facere.

⁷ Text here has been written around a rectangular, cleancut, area missing from parchment.

⁸ Scribe has supplied: materie.

sed in substantiis est contrarietas; igitur, et cetera. minor apparet secundum alexandrum;⁹ dicit enim aristotelem velle in libro *de generatione*¹⁰ quod substantia est contraria substantie quia ignis est contrarius aque secundum formam suam.

VIII

2.09 Iterum, ubicunque reperitur ordo secundum prius et posterius, ibi reperitur magis et minus; sed, per aristotelem, undecimo *metaphisice*,¹¹ et per autorem *de causis*,¹² intelligencie differunt secundum prius et posterius et intelligencie sunt substantie; igitur, et cetera.

IX

2.10 Iterum, per aristotelem, octavo *metaphisice*,¹³ quemadmodum numerus non habet magis et minus, sic neque secundum speciem substantia; sed si, quidem, cum materia, ex hoc videtur quod substantia suscipit magis et minus, secundum quod est in materia et non alio modo suscipit magis et minus; per consequens, forma substantialis simpliciter suscipit magis et minus, sicut et contrarietas.

2.11 *Ad oppositum*: quelibet forma que suscipit magis et minus, secundum eam potest esse motus; sed secundum substantiam non est motus, per aristotelem, quinto *physicorum*.¹⁴

2.12 Iterum, in *predicamentis*¹⁵ dicitur (11^a/b) quod substantia non suscipit magis et minus; igitur, et cetera.

2.13 *Ad questionem* dicitur uno modo quod aliqua forma potest suscipere magis et minus dupliciter, vel secundum parciabilitatem subiecti, ex hoc quod forma exten-

⁹ Alexander of Aphrodisias here adduced via Averroes, *De generatione*, ed. cit. vol. 4, fol. 215^r F: ... Et Alexander dicit ad hoc, quod hoc quod dixit in libro Praedicamentorum est de substantiis, quae sunt compositae ex forma, et materia et in libro de Generatione loquitur de simplicibus, scilicet de formis tantum quae sunt in prima materia... solutio non sufficit... si in substantia esset contrarietas secundum formam, et non secundum subiectum, tunc sermo Aristotelis non esset verus... impossibile est ut aliquid in aliquo sit de aliquo praedicamento, et in alio de alio, ita quod calor sit in homine de qualitate, et in igne de substantia.

¹⁰ *Ibid.*, marginal note in edition, cfr. in secundo de Gen. 24 and 49 and 22, vide consimile, primo ph. 52.

¹¹ Reference seems an error for *Metaphysics* XII, 8; 1073^b 1 ff., ed. cit. vol. 8, fol. 327^b B: Quod igitur substantiae sunt et harum quatenus prima, quaeve secunda, secundum eum ordinem, quem et latrones syderum habent, patet.

¹² *Die pseudo-aristotelische Schrift Ueber das reine Gute, bekannt unter dem Namen Liber de Causis*, ed. Otto Bardenhewer (Freiburg im Breisgau, 1882), p. 167, ll. 24-27: et intelligentiae superiores primae quae sequuntur causam primam, inprimunt formas secundas stantes quae non destruuntur ... intelligentiae autem secundae inprimunt formas declines, separabiles,...

¹³ See text cited above, question 1, note 15.

¹⁴ *Physics* V, 2; 225^b 10, ed. cit. vol. 4, fol. 215^r C: Secundum substantiam autem non est motus.

¹⁵ *Categories* 5; 3^b 32-37, ed. cit. p. II, 11. 21-25: Videtur autem substantia non suscipere magis et minus; dico autem non quoniam substantia non est a substantia magis substantia (hoc enim dictum est quoniam est), sed quoniam unaquaeque substantia hoc ipsum quod est non dicitur magis et minus.

ditur ad extencionem subiecti, et ex hoc quod extenditur ad extencionem subiecti capit parciabilitatem a subiecto, et hoc modo forma substantialis suscipit magis et minus secundum quod magis vel minus extenditur in materia.

2.14 Alio modo aliquid potest suscipere magis et minus penes diversitatem graduum ex hoc quod una forma nunc manet sub uno gradu incompleto et postea sub gradu perfectiori, vel e contrario. et hoc modo nulla forma suscipit magis et minus nisi forma accidentalis.

2.15 Contra istud arguitur: si forma substantialis suscipit magis et minus secundum primum modum, sequeretur quod secundum formam substantialem esset motus possibilis quia quilibet forma que extenditur ad extencionem subiecti parcialiter inducitur et quilibet que sic inducitur, inducitur per motum quia huiusmodi induccio est induccio successiva et hec non contingit sine motu.

2.16 Iterum, videtur quod forma substantialis suscipiat magis et minus secundum diversitatem graduum quia, per aristotelem, decimo *metaphisice*,¹⁶ in quolibet genere est unum primum quod est mensura omnium posteriorum eiusdem generis, sicut albedo in genere colorum; igitur, in genere substance est aliquid primum quod est mensura omnium posteriorum in eodem genere;¹⁷ sed illud primum est perfectissimum in illo genere. ex hoc arguitur sic: forma dicitur esse perfectior ex hoc quod est sub perfectiori gradu et imperfectior quia est sub gradu imperfectiori; igitur, si in genere substance una forma sit perfectior alia, sequetur quod forma substantialis potest esse sub gradu diverso et diverso — quod non esset nisi forma substantialis suscipit magis et minus secundum gradus.

2.17 Iterum, contra distincionem: dato quod aliquid susciperet magis et minus ex hoc quod extenditur in subiecto, sequetur quod forma celi susciperet magis et minus et, per consequens, forme celi aliquid esset contrarium quod est contra aristotelem, primo *celi et mundi*,¹⁸ ibi probat quod forme corporis ¹⁹ circularis nichil est contrarium, sicut nec motui circulari.

2.18 similiter, hoc videtur esse contra aristotelem quia, si sic, substantia susciperet magis et minus sicut qualitas, quod est contra aristotelem in *predicamentis*,²⁰ per consequens, extensio alicuius forme in materia non facit ipsam suscipere magis et minus, immo oportet ponere parciabilitatem secundum gradus ad hoc quod forma suscipiat magis et minus, et hoc non est verum in substantia.

2.19 Ideo dicendum ad questionem quod 'aliquid suscipere magis et minus' potest

¹⁶ *Metaphysics* X, 1; 1052^b 3-7, *ed. cit.* vol. 8, fol. 250^v I: Unum etenim toties dicitur... Esse autem, quandoque quidem alicui horum erit quandoque alteri, quod et magis propinquum nomini est...; *ibid.*, X, 2; 1053^a 18-19, fol. 251^v L: Hinc autem et in aliis id dicitur mensura...; *ibid.*, X, 2; 1053^b 32-34: Quare si entia colores essent, aliquis, perfecto numerus entia essent. sed quorum? patet quod colorum. et ipsum unum esset utique aliquid unum, ut puta album.

¹⁷ Em. MS adds: et illud primum.

¹⁸ *De coelo* I, 3; 270^a 18-20; *ed. cit.* vol. 5, fol. 14^r F: Si igitur huic nihil contrarium contingit esse, ex eo quia lationi circulari non sit aliquis contrarius motus...

¹⁹ Scribe has inserted: corporis.

²⁰ See above, note 15 for Aristotle's denial with respect to substance, see question 1, note 22 for his affirmation with respect to quality.

intelligi dupliciter: vel inproprie, per relacionem ad aliquid unum, et sic posset uno modo dicere quod in omni genere in quo est aliquod primum ad quod alia <mensurantur> secundum propinquius et remotius est invenire magis et minus, sicut reperitur> in genere substantie; substantie separate possunt dici secundum magis <'substantie' quam substantie graduum> inferiorum, eo quod sunt per se propinquiores. sed in hoc <non reperitur> difficultas questionis sed in hoc: an, secundum²¹ eandem s<ubstanciam, individua> aliqua dicuntur magis et minus? et breviter: secundum na<turam essentialem unam> est accipere magis et minus hoc modo? cuius ratio est <quod omnis> forma, secundum quam accipitur magis et minus, secundum tale <infertur> esse motus; sed in substantia non est motus, secundum com<mentatorem>;²² per consequens, forma substantialis non suscipit magis et <minus hoc modo.> huius ratio est manifesta quia intentio et rem<issio sunt modi> mutacionis successive; et tales m<odi non reperiuntur in substantia. probacio> minoris, quod in substantia non sit motus su<ccessivus; omne quod movetur est> (11^rb/11^va) aliquid in actu, secundum aristotelem ubi prius²³ sed subiectum mutacionis in substantia est ens in potencia, sicut materia prima; ex hoc sequitur quod mutacio in substantia non est motus.

2.20 similiter, idem apparet ex parte forme substantialis secundum quam est mutacio nam, secundum aristotelem, octavo *metaphysice*,²⁴ sicut nichil potest addi numero nec ab eo diminui, manente eadem specie numeri, immo esse numeri consistit in indivisibili, sic est de forma substantiali, ex quo concludit aristoteles quod forma substantialis non suscipit magis et minus.

2.21 similiter, hoc idem apparet ex medio aristotelis, quod substantia non suscipit magis et minus, nec eciam motus est secundum eam quia, per aristotelem, in substantia non est contrarietas, ideo, ibi non est motus. et ipse loquitur de contrarietate propria que contrarietas est distancia extremorum secundum quandam latitudinem, et talis contrarietas non potest esse in substantia, quia, ubicunque est huiusmodi contrarietas, ibi est magis et minus. sed ista latitudo potest esse vel secundum eandem formam, sicut patet de calore, nam calor potest esse intensius et remissius, vel aliter potest esse distancia secundum latitudinem graduum in diversis formis, inter quas sunt forme medie, que forme sunt cause motus extremi ad extremum. sed in substantia neutro modo est distancia que tunc esset motus in substantia — quod est contra aristotelem; distancia enim secundum latitudinem graduum est causa motus et ex hoc sequitur quod in substantia non est magis et minus secundum latitudinem graduum. sed quomodo est contrarietas in substantia, dico quod ibi est contrarietas secundum distanciam perfeccionum secundum quod una est perfeccior alia, sed ista contrarietas non sufficit ad motum, nec est propria contrarietas, nec eciam ex tali contrarietate concluditur aliquid suscipere magis et minus. alia est contrarietas proprie, que est distancia secundum latitudinem graduum.

²¹ Scribe seems to have written the word "subiectum" and then to have corrected it by expunctuation to: secundum.

²² See above, note 14.

²³ See above, question 1, note 18, also, *Metaphysics* XII, 7; 1072^b 4-6, text immediately before passage cited above in this question, note 11.

²⁴ See above, question 1, note 15.

ad I

2.22 *Ad Primam* rationem: dicendum quod ratio concludit verum, hic accipiendo 'magis et minus' inproprie, per respectum ad aliquod primum in genere; sic substantia potest suscipere magis et minus, sed ista intensio et remissio non est secundum eandem formam et, ideo, non est ad propositum.

ad II

2.23 *Ad aliam* rationem: dicendum quod non est aliqua remissio forme elementi si ex elementis fiat mixtum, ita quod elementum maneat realiter in mixto et sub gradu remissiori, respectu illius gradus quem habuit separatim a mixto.

2.24 *Ad probationem* commentatoris: dicendum quod commentator pro tanto dicit quod elementum non totaliter corumpitur in mixto quia non corumpitur in potentiam passivam remotam ipsius materie, sed in potentiam passivam propinquam, secundum quod dicimus quod aliquid potest esse in alio dupliciter in potencia: vel in potencia remota vel <i>n potencia propinqua. et ultimo modo est elementum in mixto <in> potencia, et quia quod est in potencia propinqua magis appropinquat <superio>ri quam quod est in potencia remota, Ideo, illud quod sic est in potencia, <modo aliq>uo debet esse in actu, et hoc modo intendit Commentator <quod elemen>ta sunt actu in mixto. et si intendat, communiter negatur <de virtute sermonis, c>um, secundum commentatorem, elementa manent in mixto <ita quod> salvatur virtus eorum. et hoc potest intelligi ad bonum <quia potest intelligi> hoc dupliciter; uno modo sic: aliquid debet manere in virtute <ita quod poneretur in> medio modo inter potentiam puram, que est potencia remota <et potentiam propinquam, non pur>am. et sic 'manere in virtute' solum est manere <ut principium constituens compositum>m. contra: Aliter potest intelligi sic: ex accione (11^va/b) elementorum causatur in mixto unus effectus communis cuilibet elemento, que effectus est propria qualitas mixti, que est qualitas media, et in ista qualitate manent elementa sicut causa debet manere in effectu, et quod ista qualitas est virtus quedam. ideo, elementa dicuntur 'manere in virtute' non quia aliqua propria virtus elementi maneat actualiter, sed quia una virtus communis manet, que causatur ex elementis, in qua virtute manent elementa in potencia propinqua.

ad III

2.25 *Ad aliam* rationem: dicendum, sicut dictum fuit. Ad argumentum in contrarium: dicendum quod caliditas est propria passio ignis et etiam eius effectus secundum quod consistit in quadam latitudine graduum, et ideo potest variacio esse ex parte caliditatis secundum magis, licet²⁵ non sit variacio forme ignis. Ad probationem: quando accipitur quod variacio in effectu et cetera, dicendum quod effectus potest esse alicuius dupliciter: uno modo qui secundum se totum dependet ab eo in quo est, alio modo potest esse effectus qui non secundum se totum dependet ab eo in quo est variacio in effectu. primo modo arguit diccio variacionem in causa; sed in effectu, secundo modo dicto, non arguit variacionem in causa quia ex quo huiusmodi effectus non totaliter dependet a causa in qua est variacio, potest esse

²⁵ Scribe has written around cleancut defect; see above, note 7.

aliunde, et isto modo est caliditas effectus ignis, quia calor remittitur in igne per accionem contrarii agentis, et sic calor acquirit diversum gradum et diversum ab gradu. sed intensio et remissio in gradibus caloris est ab extrinsico agente.

ad IV

2.26 *Ad aliam rationem*: quod ratio verum concludit, quod in substantia est magis et minus inproprie loquendo, secundum quod dictum est in posicionem.

ad V

2.27 *Ad aliam rationem*: dicendum quod maior est falsa et similiter minor. maior est quod quantitatem est motus et, tamen, quantitas non suscipit magis et minus; minor est quod subiectum motus est ens in actu; et subiectum transmutacionis substancialis est ens in potencia; ideo, transmutacio, secundum substantiam, non est motus; nec sequitur etsi forma inducatur parcialiter, quod per se inducatur per motum, sed requiritur quod illius cuius est per se motus quod subiectum illius sit ens in actu. bene, tamen, potest concedi quod per accidens secundum substantiam est motus, quando, videlicet, forma substancialis extenditur ad extensionem materie.

ad VI

2.28 *Ad aliam rationem*: dicendum quod substantia ignis non potest manere, destructa tota caliditate eius; et *Ad probacionem*: dicendum quod idem est iudicium de toto et parte quantum ad illud sed non quantum ad omnia; in hoc enim est simile inter totum et partem in homogeniis, quod sunt eiusdem nature, sed quia caliditas ignis, appropriatur igni sub quadam latitudine graduum, ideo, si auferatur aliqua pars caliditatis, dummodo caliditas maneat inter extrema sue latitudinis, adhuc ignis manebit. sed si tantum auferatur de calore quod residuum sit extra terminos caliditatis propriati igni, corumpitur ignis.

ad VII

2.29 *Ad aliam rationem*: dicendum quod duplex est qualitas; quedam est qualitas secundum distanciam parcium, et talis qualitas reperitur in omni genere quia in omni genere est una species perfeccior alia. et huiusmodi qualitas nec sufficit ad motum nec arguit magis et minus, accipiendo 'magis et minus' proprie, non extendendo 'magis et minus' — secundum quod dictum est in posicionem. Alia est qualitas que est maxima distancia secundum latitudinem graduum, et hoc, sive latitudo graduum secundum eandem formam, sive sit latitudo graduum ratione mediorum inter extrema distancia. et talis qualitas sufficit ad motum et eciam arguit magis et minus in forma; sed talis qualitas non est in substantia, sed qualitas primo modo est in substantia et in quolibet alio predicamento.

ad VIII

2.30 *Ad aliam rationem*: dicendum quod ratio verum concludit, quod in substantia est magis et minus secundum recessum et accessum ad primum in substantia, sed intensio et remissio est secundum eandem formam substancialem et ideo, non est intensio et remissio de qua fit questio.

ad IX

2.31 *Ad ultimam*: dicendum quod forma substancialis non dicitur suscipere magis et minus quia ipsa secundum se habet diversos gradus, sed quia intensio et remissio est in dispositionibus qualitatuum conveniencium formam secundum esse quod habet in materia, ut dictum in questione precedente.

2.32 Ad secundam rationem contra secundam opinionem: dicendum quod in substancia non sunt diversi gradus eiusdem forme secundum speciem, licet sunt diversi gradus diversarum formarum secundum quod una est perfeccior et alia minus perfecta; et alis diversitas graduum non negatur esse in substancia.

questio tertia

<Q>ueratur: utrum universale, secundum suam naturam, habeat esse in anima vel in re extra? et hoc est querere: an universale, secundum suam rationem formalem, dependeat ab anima vel esse completum suum sit in re extra?

I

3.01 et videtur primo quod sit in re extra quia obiectum sensus non dependet ab anima, sed est in re extra animam; et universale est obiectum sensus; igitur, et cetera. probacio minoris: per aristotelem, fine secundi *posteriorum*,¹ sensus est universale sentire vero singulariter.

3.02 similiter, color est obiectum primum visus et color est universale.

II

3.03 Iterum, quolibet potencia presupponit suum obiectum quia potencie distinguuntur per actus et actus per obiecta, per aristotelem, secundo *de anima*,² et id quod distinguitur per alterum presupponit suum principium distinctum; sed universale est obiectum intellectus; igitur, universale non dependet ab operatione intellectus; per consequens, universale habet esse extra animam.

III

3.04 Iterum, res ex natura sua est communicabilis multis preter operationem intellectus, sicut natura speciei; et id quod est communicabile multis est universale; igitur, esse universalis est esse in re et non in intellectu. probacio prime propositionis: nam, nullo intellectu existente, iste angelus et ille asinus conveniunt in natura speciei; igitur, natura speciei est communicabilis multis preter omnem operationem intellectus.

¹ *Posterior analytics* II, 19; 100^a 16-17, *ed. cit.* p. 78, 11. 29-30: et enim sentitur quidem singulare, sensus autem universalis est...

² *De anima* II, 4; 415^a 18-21, *ed. cit.* vol. 6.1, fol. 66^r C: priores enim potentiis actus et operationes secundum rationem sunt. si autem sic, his autem adhuc priora opposita oportet considerare; NB: the crucial word "opposita" translates *ἀντιθέμενα* which will surely bear the meaning "objecta."

IV

3.05 Iterum, sciencia est de re extra animam, sicut apparet de sciencia naturali et de aliis partibus philosophie, ut de prima philosophia et de matematica; sed sciencia est de universalibus, per aristotelem, primo *posteriorum*;³ igitur, universale habet esse extra animam.

3.06 Iterum, diffinitio solum est de universali; et diffinitio est rei extra animam quia diffinitio est substantie et substantia est extra animam; igitur, universale habet esse extra animam. prima propositio apparet per aristotelem, septimo *metaphisice*;⁴ quia, secundum eum ibidem, singulare non diffinitur, sed omnis diffinitio est universalis.

V

3.07 Iterum, omne, quod factum est in alico, est in eo in quo factum est; sed, per commentatorem,⁵ intellectus agens facit universalitatem in rebus; igitur, universalitas est in rebus; per consequens, non solum habet esse in intellectu.

VI

3.08 Iterum, per autorem 6 *principiorum*,⁶ omnis communitas a singularitate procedit, quod non esset nisi commune haberet esse in singularibus; et quod est in singularibus, est in re; igitur, et cetera.

VII

3.09 Iterum, nichil predicatur de alico quod separatur secundum esse ab eo quia, per aristotelem, septimo *metaphisice*;⁷ probat quod idea non vere predicatur de hoc singulari sensibili quia separatur secundum esse ab eo, secundum opinionem platonis; sed universale predicatur vere de singulari; igitur, non separatur secundum se a singulari et, per consequens, habet esse in re, sicut singulare habet esse in re.

3.10 *Ad oppositum*: si universale ex natura sua habet esse in re preter operationem intellectus, non indigeremus intellectu agente quia solum ponitur intellectus agens quia res de se non est universalis, sed universalitas per intellectum agentem.

³ *Posterior analytics* I, 31; 87^b 33, *ed. cit.* p. 48, ll. 14-15: Quoniam igitur demonstrationes universalium... cf. *Metaphysics* XI, 1; 1059^b 24-27.

⁴ *Metaphysics* VII, 10; 1036^a 2-6, *ed. cit.* vol. 8, fol. 185^v I: ratio vero est ipsius universalis... (dico autem intelligibiles quidem ut mathematicos: sensibiles vero, ut aeneos et ligneos) horum inquam non est definitio; also, 15; 1039^b 27-29, fol. 201^v GH: Propterea etiam substantiarum sensibilibus singularium, neque definitio, neque demonstratio est.

⁵ *In de anima* I, 1; 402^b 5-8, *ed. cit.* vol. 6.1, fol. 4^r C: ...sed intellectus est qui facit in eis universalitatem; the theme assumed is common in Averroes, namely, that the status of universal form is diverse in things and in the mind; cf. Averroes *In de anima* (III, 5; 430^a 5), *ed. cit.* vol. 6.1, fol. 160^r BC, 160^v D.

⁶ *Liber sex principiorum*, *ed. cit.* p. 37, ll. 5-7: Quapropter communitas omnis naturalis est quoniam a singularitate procedit, que creationi coequatur.

⁷ *Metaphysics* VII, 6; 1031^a28-1031^b18.

3.11 Iterum, per boecium, *super porfirium*,⁸ omne quod est ideo est quia unum numero; per consequens, universale non habet esse in re, quia omne quod est in re est singulare, per boecium.

3.12 Iterum, aristoteles, secundo *de anima*:⁹ nos intelligimus sicut volumus et non sentimus cum volumus; et ratio est quia sensibilia non semper sunt presencia sensu, sed intelligibilia semper intellectui sunt presencia — quod non esset nisi intelligibilia haberent esse in intellectu; et intelligibilia sunt universalia; igitur, et cetera.

3.13 Iterum, videtur, secundum commentatorem, secundo *metaphisice*, commento primo,¹⁰ quod intellectus <i>n re facit formas intellectas, ex quo sequitur quod facit universalia; et id quod fit ab intellectu manet in intellectu, cum accio sit immanens; igitur, universale manet in intellectu. probacio assumpti: nam, secundum commentatorem, difficultas cognitionis vel comprehensionis veritatis in rebus que sunt in fine veritatis, scilicet, in primo principio et in substantiis abstractis a materia, est ex nobis et non ex illis quoniam non sicut abstracta; sunt intellecta in se naturaliter et non intellecta quia nos facimus ea intellecta. sed in rebus materialibus, difficultas magis est ex se quam in nobis — quod non esset si res materiales essent intellecte secundum se; igitur, facimus formas materiales intellectas.

3.14 *Ad questionem*: secundum avicennam, dicendum quod res ex natura sua nec est universalis nec singularis, nec in anima nec extra animam; unde, secundum avicennam, quinto *metaphisice*, capitulo primo,¹¹ equinitas non est aliquid nisi equinitas tantum; ipsa, enim, de se nec est unum nec multum, nec existens in hiis sensibilibus nec in anima, nec est aliquid horum potencia vel affectu, ita ut hoc contineatur infra essenciam equinitatis. ex hoc sequitur quod natura universalis ex se nec est in anima nec extra animam.

3.15 similiter, avicenna, capitulo secundo in eodem quinto;¹² animal enim, cum consideratur secundum hoc quod est animal et secundum eius animalitatem, neque est proprium neque inproprium, quia¹³ est commune. utrumque enim, removitur ab eo nam ipsum, ex animalitate sua, tantum est animal. ex hoc videtur sequi, secundum avicennam, quod natura animalis secundum se nec habet <ur> in anima

⁸ *Boethii in Isagogen Porphyrii commenta*, ed. S. Brandt, CSEL 48 (Vienna-Leipzig, 1906), 162, ll. 2, 3, 5: omne enim quod est, idcirco est, quia unum est... genus ac species... multiplex neque unum numero.

⁹ *De anima* II, 5; 417^b 22-25, *ed. cit.* vol. 6.1, fol. 80^v D-E: Causa autem est quoniam singularium quidem secundum actum sensus, scientia autem est universalium: haec enim in ipsa quodammodo sunt anima: unde intelligere quidem est in ipsa cum velit, sentire autem non est in ipsa. Necessarium est autem esse sensibile.

¹⁰ *In metaphysicae* II, commentum 1, *ed. cit.* vol. 8, fol. 29^r B: ... quoniam, cum abstracta sint intellecta in se naturaliter, et non intellecta, quia nos facimus ea esse intellecta, sed quia sunt in se intellecta, sicut formae materiales...

¹¹ *Metaphysicae Avicenne sive eius prima philosophia* (Venice, 1495) tractatus 5, capitulum 1 (no pagination): res ex natura sua nec est universalis... ipsa equinitas non est aliquid nisi equinitas tantum.

¹² *Ibid.* but Chapter 3: animal... nec est proprium nec est inproprium.

¹³ Em. MS: quod.

nec extra animam et, eadem ratione, nec natura alicuius alterius universalis; et singularis in subiecto secundum se, nec in anima nec extra animam; universale secundum se nec erit in anima nec extra.

3.16 Contra istam positionem: si res secundum se nec sit in anima nec extra animam, cum res secundum se sit aliquid res, secundum se erit indifferens ad esse in anima et ad esse extra; et illud quod secundum se est indifferens ad plura, secundum se est commune; ex quo sequitur quod res secundum se est communis; per consequens, secundum se est universalis — quod est contra avicennam; igitur, ex hoc quod ipse ponit quod res secundum se nec est in anima nec extra, oportet eum concedere quod res secundum se est universalis (12^b/12^{va}) — et hoc intendit vitare.

3.17 Iterum, questio non querit an res de se sit universalis vel singularis, sed, posito quod res sit universalis, querit an res, que est universalis, habet esse in re vel in intellectu; ex quo sequitur quod non respondetur ad formam questionis.

3.18 Iterum, videtur quod ratio avicenne sit vera quia illud, quod inest alicui per se, inest omni ex natura sua; sed res per se est intelligibilis et omne¹⁴ intelligibile est universale; igitur, res ex se est universalis. minor apparet si accipiatur 'intelligibile' pro primo obiecto intellectus, excludendo singulare. probacio prime propositionis: nam, per aristotelem, secundo *de anima*,¹⁵ color est per se visibilis; igitur, eadem ratione, res per se est intelligibilis. ita vere vel visus, comparatur res intelligibilis ad intellectum, sicut res sensibilis ad sensum; igitur, si obiectum sensus per se sit sensibile, obiectum intellectus erit per se intelligibile et, per consequens, per se universale.

3.19 *Ad questionem*: dicendum quod universale alico modo est in re, alico modo est in intellectu. ad cuius evidenciam duo sunt declaranda: primo, quot modis dicitur 'universale'? secundo, quot modis aliquid differt 'secundum se'? 'universale' enim, accipitur dupliciter: uno modo pro natura subiecta unitati, alio modo pro intencione formata per intellectum.

3.20 similiter, distinguendum est ex parte huius preposicionis 'secundum' cum queritur: an universale 'secundum' naturam, vel 'secundum' se; nam, sicut hec preposicio 'se' potest denotare circumstanciam triplicis cause: vel circumstanciam cause formalis,¹⁶ vel efficientis, vel materialis, sic hec preposicio 'secundum' potest denotare circumstanciam triplicis cause: circumstanciam cause formalis, sicut: hic homo 'secundum' se est naturalis; circumstanciam cause efficientis, sicut: hic ignis 'secundum' se calefacit; circumstanciam cause materialis, sicut dicimus quod paries 'secundum' se alba quia non per aliud medium subiectum inest albedo parieti.

3.21 hiis visis, respondendum est ad formam questionis. quando queritur: an universale, secundum se, sit in re vel in intellectu? dicendum quod, si accipiatur 'universale' pro natura, sic¹⁷ intendimus sicut: universale secundum se est in re

¹⁴ Em. MS: omnis.

¹⁵ *De anima* II, 7; 418^a 30, *ed. cit.* vol. 6.1, fol. 83^v F-84^r A: Visibile enim est color: hoc autem est in eo quod secundum se visibile, secundum se autem, non ratione, sed quoniam in seipso habet causam essendi visibile.

¹⁶ Scribe has expunctuated: sicut hic homo secundum se est naturalis, from a few lines below.

¹⁷ Scribe has corrected to sic by expunctuating three letters.

prout denotantur circumstancie cause formalis et cause materialis, sed non secundum circumstanciam cause efficientis quia natura universalis non producitur in esse nisi ex produccione singularium, per autorem huius¹⁸ et ideo, universale non est effective in re ex se ipso, sed magis ex singularibus. sed hoc modo sumendo 'universale' pro natura, non est in intellectu, neque ex se formaliter neque ex se effective, sed quodam modo materialiter. ex hoc quod natura universalis est indifferens ad esse in intellectu et esse in re, ideo utrumque esse recipit ad modum quo subiectum recipit accidens. unde, esse in intellectu est unum esse accidentale nature rei et ideo, sicut dicimus quod corpus secundum se est album, secundum quod denotatur circumstancia cause materialis, ex hoc quod subiectum recipit albedinem et habet modum materie. secundo, concedo quod natura universalis secundum se est in intellectu prout li 'secundum se' denotat circumstanciam cause materialis. et sic apparet quomodo universale, sumendo 'universale' pro natura rei, est secundum se in re et secundum se in intellectu.

3.22 si accipiatur secundo modo 'universale,' pro intencione secunda, sic non est ex se in re, sive denotetur circumstancia¹⁹ cause formalis, materialis, vel efficientis, quia non est formaliter in re extra cum sit quedam forma inmanens intellectui sicut effectus intellectus.

3.23 similiter, hec est in re effective quia efficitur ab intellectu et breviter, nullo modo est in re extra secundum esse reale quod habet extra animam quia non est res extra, cum sit intencio secunda. sed, si alico modo sit in re, solum est in re aliqua secundum esse quod res habet in anima, sed universale hoc modo ex se est in intellectu secundum quod ly 'ex se' denotat circumstanciam cause formalis et eciam cause efficientis, quia huiusmodi intencio, respectu intellectus, habet rationem forme, cum informat intellectum et sit existens in eo subiective.

3.24 similiter, est ab intellectu effective, sed non est in intellectu ex se, secundum quod denotatur circumstancia²⁰ cause (12^aa/b) materialis, nisi extendendo circumstanciam cause materialis ad quodlibet quod, respectu alicuius cause habet rationem receptivi. et sic apparet quomodo universale secundum se habet esse in re, et secundum se in intellectu, diversimode accipiendo 'universale' et eciam 'secundum se' diversimode accipiendo.

ad I

3.25 Ad primam rationem: dicendum quod obiectum²¹ sensus est in re extra animam. et quando dicitur quod obiectum sensus sit universale, dicendum quod obiectum sensus est duplex, secundum quod duplex est ratio obiecti. quedam est ratio motiva obiecti, et quedam est ratio contentiva; ratio motiva solum est obiecti singularis, sed ratio contentiva est obiecti universalis; et pro tanto dicitur 'ratio contentiva' quia sub illa ratione continetur quodlibet obiectum motivum.

3.26 unde, secundum hunc modum dicendi, ponitur quod color est primum obiectum visus contentivum, sed non est primum obiectum motivum quia nichil primo

¹⁸ I.e. huius libri: *Liber sex principiorum*, ed. cit. no. 8 and no. 9, p. 36, l. 21-p. 37, l. 7.

¹⁹ Em. MS: circumstanciam.

²⁰ Em. MS: circumstanciam.

²¹ Em. MS: obiectus.

movet potentiam singularem sensitivam nisi obiectum singulare, quia acciones et operationes sunt primo singularium, per aristotelem, primo *metaphisice*,²² et color dicitur esse primum obiectum contentivum respectu visus, non quia primum movet visum, sed quia continet quodlibet singulare quod movet primo visum. et hoc modo conceditur quod universale potest esse primum obiectum visus, non, tamen, est primum obiectum motivum.

ad II

3.27 *Ad aliam rationem*: dicendum quod verum concludit, quod universale secundum quod est primum obiectum intellectus est in re extra quia 'universale' pro intencione secunda non est primum obiectum intellectus.

ad III

3.28 *Ad aliam rationem*: dicendum per idem quod bene concludit quod 'universale' acceptum pro natura, est communicabilis multis et eciam est in re quia, ut sic, non dependet ab intellectu sicut dictum est.

ad IV

3.29 *Ad aliam rationem*: per idem quod bene concludit quod universale uno modo est in re extra.

ad V

3.30 et eodem modo dicendum *Ad aliam rationem*: dicendum quod 'universale,' acceptum pro intencione, non est in re extra secundum esse quod habet extra nec intellectus agens causat universalitatem in rebus extra, quia tunc intellectus — accio sua — esset transiens; sed solum causatur universalitas in ratione secundum esse quod habet in anima et ideo, non debet concedi quod intencio secunda fundatur rebus secundum esse quod habent extra animam.

ad VI

3.31 *Ad aliam rationem*: dicendum quod 'universale,' secundum quod accipitur pro natura, sic producitur in esse ex produccione singularium et hoc modo habet esse in re, sed secundum quod est intencio secunda, sic non dependet ex singularibus, sed magis ex intellectu.

ad VII

3.32 *Ad ultimam rationem*: dicendum quod verum concludit quod universale uno modo est in re extra, sicut illud esse secundum quod predicatur de singularibus, et hoc est eius essenziale.

²² *Metaphysics* I, 1; 981^a 16, *ed. cit.* vol. 8, fol. 1^r H: actiones autem, ac generationes omnes circa singulare sunt.

<ad rationes in oppositum>

3.33 Ad primam in oppositum: dicendum quod, licet universale habeat esse in re, adhuc oportet ponere intellectum agentem quia nichil movet intellectum nisi secundum modum essendi in materialem, et universale in re non habet talem modum essendi, et ideo, oportet quod iste²³ modus essendi immaterialis causetur ab intellectu agente, ad hoc quod universale moveat intellectum.

3.34 Ad aliam rationem, quod boecius intelligit sic: omne quod existat per se, ideo est quia unum numero est, et hoc modo nichil existit nisi singulares.

3.35 Ad aliam rationem: dicendum quod quia species universales consumantur in intellectu, re absente, ideo intellectus potest intelligere cum voluerit, sed ex hoc non sequitur quod res <non> sint in intellectu nisi mediante specie, (12^vb/13^{ra}) et hoc 'esse in intellectu' cognitione. et hoc modo conceditur quod universale potest esse in intellectu sicut cognitum in cognoscente.

3.36 Ad ultimam: dicendum quod verum est quod intellectus facit aliquas formas universales, mediantibus quibus, res sunt actu intellecte, quia species universales fiunt per intellectum agentem et, mediantibus istis speciebus, res sunt actu intellecte; ideo, quodam modo intellectus facit res actu intellectas.

questio quarta

<Q>¹ueratur de accione: utrum accio causaretur ab agente?

I

4.01 videtur quod non, quia omne quod causatur ab agente causatur ab eo per accionem eius; igitur, accio causatur per accionem et querendum est de illa accione: an causatur ab agente vel non? si non, eadem ratione standum fuit in ipso; si sic, querendum est de illa alia accione, et sic in infinitum. vel, igitur, oportet concedere quod accio non causetur ab agente, vel quod in accionibus est procedere in infinitum; sed secundum est inconveniens.

4.02 Ad hanc rationem dicitur quod accio causatur ab agente sed non per aliam accionem a se ipsa; si sic, igitur causatur per se ipsam — quod est inconveniens, quia impossibile quod aliquid sit principium effectivum respectu sui ipsius, quia ex hoc sequitur quod aliquid esset prius se ipso, quia principium effectivum prius est effectus; et, si accio causaretur ab agente se ipsa, accio, respectu sui ipsius, esset principium effectivum; igitur, si causatur ab agente, hoc erit per aliam accionem.

4.03 si dicatur aliter ad rationem, quod hec est falsa: 'omne quod causatur ab agente causatur per accionem agentis,' Contra istud: videtur quod hec sit vera, quia id quod causatur ab agente est effectus agentis; igitur, respectu illius, agens habet rationem cause efficientis et omne quod est ab agente effective causatur per accionem agentis, quia efficiens nichil efficit sine accione; igitur, et cetera.

²³ Em. MS: isti.

¹ Marg. q.

II

4.04 *Aliud principale*: si accio causetur ab agente, in alico recipietur; vel, igitur, recipitur in agente vel in paciente; sed neutrum est dandum. non in paciente, quia passio est in paciente et accio et passio sunt forme oppositae et oppositae non sunt simul in eodem. nec recipitur in agente, quia si sic, idem, respectu eiusdem, simul esset in actu et in potencia quia agens, ex hoc quod causat accionem, respectu eius in potencia activa et ex hoc quod recipit causam, ex hoc est in potencia passiva respectu eius; igitur, idem, respectu eiusdem, simul esset in potencia activa et passiva — quod est inconveniens. ex quo sequitur quod accio non causatur ab agente.

III

4.05 Iterum, si accio causaretur ab agente, accio erit posterior agente, quia effectus est posterior sua causa; igitur, agens in alico in priori erit agens quando non est accio; sed agens non est agens sine accione sicut album non est album sine albedine; igitur, accio erit prior quacunque accione accepta in infinitum.

IV

4.06 Iterum, omne quod causatur ab agente causatur ab eo per motum vel per mutacionem; sed accio neutro modo causatur quia omnis accio est cum motu et motus nec est terminus motus nec mutacionis quinto *phasicorum*;² per consequens, accio nec terminat³ motum nec mutacionem; igitur, nec causatur per motum nec per mutacionem; igitur, nullo modo causatur ab agente.

4.07 *Ad oppositum*: accio est agentis accio, et accio aliqua causatur ab eo cuius est.

4.08 *Ad questionem*: dicendum quod (13^aa/b) accio causatur ab agente; et primo, declaro quod accio causatur ab alico, secundo, quod causatur ab agente, tercio, secundum quem modum⁴ causatur ab agente.

4.09 probacio primi: quilibet forma, que non est ex se necesse esse, et capit esse post non esse, causatur ab alico; sed huiusmodi est accio, quia nunc est aliqua accio que prius non fuit; per consequens, accio capit esse post non esse.

4.10 probacio secundi: quod causatur ab agente, quia ab illo causatur accio cuius est potencia activa, quia potencia activa est principium accionis; sed ipsius agentis est potencia activa; igitur, et cetera.

4.11 similiter, accio est quidam effectus et quilibet effectus causatur ab alico efficiente; et quodlibet efficiens est agens; igitur, accio causatur ab agente.

4.12 sed de modo secundum quem causatur ab agente est difficultas questionis et ideo, videndum est qualiter causatur ab agente. ad cuius evidenciam sciendum quod aliquid causari ab alio potest esse dupliciter, secundum quod duplex est effectus

² *Physics* V, 2; 225^b 10-16, *ed. cit.* vol. 4, fol. 215^r C-D: Secundum substantiam autem non est motus... Neque etiam agentis, et patientis, neque omnis moventis, et eius, quod movetur: quia non est ipsius, motus nec generationis generatio, neque omnino mutatio mutationis.

³ Scribe has corrected *determinat* to: *terminat*.

⁴ Scribe has added: *modum*.

quod causatur ab agente. unus est effectus cuius esse solum consistit in successione, et talis est motus et accio et huiusmodi successiva. alius est effectus cuius esse permanens est, sicut albedo et alie forme permanentes.

4.13 et ideo, effectus potest causari ab agente vel secundum esse permanens vel secundum esse successivum. illud quod primo <modo> causatur ab agente causatur per accionem precedentem, sed quod secundo modo causatur, non oportet quod causatur per accionem precedentem. et cum accio consistit in quadam successione, accio non causatur per aliam accionem precedentem sed immediate consequitur quales realitates activas vel⁵ passivas.

4.14 sed ulterius est sciendum istud: uno modo oportet concedere quod quamcumque accionem precedit alia accio in infinitum, et alio modo non, quia accio, cum consistit in motu, est forma successiva et divisibilis et in successivis non contingit accipere primam partem, per aristotelem in vii *phasicorum*.⁶ ideo, hoc modo quacumque accione accepta, illam accionem precedit alia, sed accio que precedit eam est una pars eius, sicut dicimus quod medietas est ante totum, ideo medietas illius accionis precedit totam illam accionem, sumendo 'totam' categorice, et medietas illius medietatis precedit⁷ illam totam medietatem; et sic usque in infinitum. ideo, secundum istum intellectum, ante quamcumque accionem est alia accio precedens, sed illa accio precedens semper erit illius accionis quam precedit.

4.15 Alius intellectus potest esse, et falsus, quod istam totam accionem precedit aliqua accio que non est eius, sed separata accio, et hoc modo falsum est dicere quod omnem accionem precedit aliqua accio.

ad I

4.16 *Ad primam rationem*: patet per dicta in posicionem quod accio causatur ab agente et non per aliam accionem precedentem que non sit pars eius; sed, si intelligatur quod accio precedens sit pars accionis sequentis, sic concedo quod quelibet accio causatur ex accione in infinitum, secundum quod ly 'per' denotat circumstanciam cause formalis, quia⁸ infinite sunt partes accionis, cum sit forma successiva, sicut infinite partes motus et quelibet pars accionis est accio, sicut quelibet pars motus est motus, quia accio precedit accionem in infinitum, sicut motus precedit motum.

4.17 *Ad primam rationem contra primam responsionem*: dicendum est quod accio non causatur effective per seipsam, nec per aliam accionem precedentem, sed concedo quod causetur per aliam accionem precedentem secundum quod ly 'per' denotat circumstanciam cause formalis, quia hanc accionem precedit aliqua

⁵ Here begins the first of two long passages, written by a second hand, apparently after a hopelessly corrupt first version had been erased; this passage extends to the phrase "sumendo 'totam' categorice" in 4.14.

⁶ *Physics* VII, 1; 242^a 12-15, *ed. cit.* vol. 4, fol. 306^v L: manifestum est igitur quod omne, quod movetur, ab aliquo movetur, divisibile enim est omne, quod movetur: et parte quiescente, quiescet totum; NB, second scribe has used Roman numeral where first scribe habitually uses Arabic for citations of book numbers.

⁷ Em. MS: repeats precedit; error by first scribe, see above, note 5.

⁸ Second long correction; this passage extends to: "non causatur effect(ive)" 4.17.

accio que est pars eius per quam accionem causatur formaliter aliqua accio, et non debet concedi quod idem est causa sui ipsius.

4.18 *Ad aliam rationem* inquam: dicendum quod solucio patet ex dictis, quod hec est falsa, quod omne quod est ab alico effective causatur ab eo per accionem precedentem, et hoc si accio precedens non sit pars effectus causati, quia in successivis capit instanciam.

ad II

4.19 *Ad aliam rationem principalem*: dicendum quod accio, causata ab agente, simul est causata ab agente et est in agente, sed non recipitur in agente, ratione alicuius potencie passive agentis, sed solum ex ratione potencie active est simul in agente (13^rb/13^va) et ab agente; unde non omnis receptio est ratione potencie passive.

ad III

4.20 *Ad aliam*: dicendum quod hec est vera per accidens: accio presupponit agens, quia solum est vera pro supposito cui accidit accio, et non est vera, sumendo 'agens' pro composito ex subiecto et forma accionis quia sic, accio presupponit accionem unde, sumendo 'agens' prout est in actu pro toto, subiecto et accione, sic 'agens' et 'accio' sunt simul et neutrum presupponit alterum quia, per aristotelem, secundo *phasicorum*,⁹ causa in actu simul est et non est cum effectu. unde, ad formam dicendum quod accio presupponit aliquid suppositum a quo causatur et ideo, hec est vera per accidens: 'accio presupponit agens.'

ad IV

4.21 *Ad ultimam rationem*: dicendum quod maior est falsa in formis successivis que causantur ab agente quia non oportet quod aliquis motus vel mutacio precedat huiusmodi effectus, qui motus vel mutacio non sit pars effectus successive causate, sicut dictum est in posicionem.

Expliciunt questiones Magistri Adam burley.

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⁹ *Physics* II, 3; 195^b 16-21, *ed. cit.* vol. 4, fol. 63^r B-C: Differunt autem tantum, quod actu quidem existentes, et singulares, et ea, quorum sunt causae, simul, sunt, et non sunt... quae autem sunt secundum potentiam non, semper: corrumpitur enim non simul domus, et aedificator.

St. Thomas and Eternal Truths

ARMAND MAURER C.S.B.

ONE of the most important legacies of mediaeval theology to modern philosophy is the notion of eternal truths. The notion appears in various guises in the systems of Descartes, Malebranche, Spinoza, and Leibniz, and through them it became a commonplace in modern thought. Although extensive research has been done on the meaning of the notion in the seventeenth century classical philosophers,¹ the late mediaeval background of the doctrine still remains largely unexplored. Indeed, the history of the notion of truth in the Middle Ages still remains to be written. In this complex and intricate history the divergent conceptions of the eternity of truth would occupy a prominent place.

Up to the present, historians have examined late mediaeval doctrines of the eternity of truth mainly in connection with the philosophy of Descartes.² It is well known that he identified the eternal truths with the essences of creatures and made them totally dependent on the divine will.³ According to Descartes, eternal truths, as taught for example by metaphysics and mathematics, have been freely established by God; they could have been created otherwise had he so wished. He was free, for example, to make it untrue that the three angles of a triangle be equal to two right angles. In fact, he willed this mathematical truth to be necessarily true; but he did not necessarily will it to be true. And because his will is immutable, truths of this sort are also immutable. They are eternal because eternally established by God as by the supreme legislator.⁴

Descartes criticized as blasphemous the thesis that eternal truths are independent of the divine intellect and will, so that even if God did not

¹ For a bibliography of the literature on Descartes' notion of eternal truths and its relation to his predecessors and successors, see G. Sebba, *Bibliographia Cartesiana, a Critical Guide to the Descartes Literature, 1800-1960* (The Hague, 1964), 454. Though somewhat out of date the following works can be usefully consulted: E. Boutroux, *Les Vérités Éternelles chez Descartes* (Paris, 1927), E. Gilson, *La Liberté chez Descartes et la Théologie* (Paris, 1913), 34-75. See H. Gouhier, *La Pensée Métaphysique de Descartes* (Paris, 1962), 285-291.

² See E. Gilson, *op. cit.*; P. Garin, *Thèses Cartésiennes et Thèses Thomistes* (Paris, 1931); T. Cronin, *Objective Being in Descartes and in Suarez* (Rome, 1966).

³ Descartes, *Lettre à Mersenne*; ed. Adam-Tannery (Paris, 1897), I, 151-152.

⁴ *Lettre à Mesland*, IV, 118-119; *Réponses aux 6^{es} Objections*, VII, 436; IX, 236.

exist these truths would still be true.⁵ The thesis was also rejected by Leibniz, who attributed it to some Scotists. According to him, it is the divine understanding that gives reality to the eternal verities, without the divine will having anything to do with them.⁶ For many years historians searched without success in the works of Duns Scotus and other late mediaeval writers for the thesis that even if God did not exist mathematical truths would still be true, until Etienne Gilson found the equivalent in the *Reportata Parisiensia* of Duns Scotus.⁷ Further research in late scholasticism might unearth other schoolmen who held similar doctrines. It has been found, for instance, that according to Hervaeus Natalis even if rocks at the bottom of the sea were unknown to any mind, they would still be basically and materially true because they have an essence independent of any intellect.⁸

It is not certain whether Descartes read these fourteenth century theologians, but he did know Suarez' *Disputationes Metaphysicae*, which contends that the eternal truths do not come from God, for if they did they would be products of his will and hence they would proceed from him freely and not necessarily. In fact, according to Suarez, God is a mere spectator, not a producer of these truths. He knows them speculatively, and the speculative intellect presupposes the truths of its objects and does not make them. Propositions involving eternal truths are not true because they are known by God, but rather they are known by him because they are true — a thesis, incidentally, rejected by Descartes.⁹ Suarez concludes

⁵ Si Deus non esset, nihilominus istae veritates essent verae. Descartes, *Lettre à Mersenne*; ed. Adam-Tannery, I, 150.

⁶ Leibniz, *Theodicy*, n. 184; trans. E. M. Huggard (London, 1951), 243.

⁷ ... si poneretur, per impossibile, quod Deus non esset, et quod triangulus esset, adhuc habere tres angulos resolveretur ut in naturam trianguli. Scotus, *Rep. Paris.*, Prol., III, quaestiuncula 4, (Paris, 1894), 22, p. 53. On this point see E. Gilson, *Jean Duns Scot* (Paris, 1952), 185, n. 2. Referring to his *La Liberté chez Descartes et la Théologie* (Paris, 1913), 35 ff. Gilson remarks: "Il faudrait entièrement réécrire ces pages en fonction de ce fait nouveau." *Ibid.*

⁸ Dico quod si a nullo intellectu intelligerentur, essent veri lapides veritate materiali et fundamentalis. Sed eis non competeret veritas formalis excluso omni intellectu. Hervaeus Natalis, *Quodl.*, III, q. 1 (Venice, 1513), fol. 70ra. See the unpublished doctoral thesis of Timothy Fallon, *The Notion of Truth in Hervaeus Natalis* (University of Toronto, 1966), 17-18. See also G. Vasquez: *Quare licet nullus intellectus esset ab aeterno, si tamen esset futurus in aliquo tempore, et potuisset esse antea, et antea in infinitum, haec enunciatio, Antichristus erit, vel Homo est animal, diceretur aeternae veritatis, quia ex se ab aeterno non repugnat vere intelligi, vel in tempore, non determinato principio. Eodem quoque modo etiam si Deus esset aeternus, sed in tempore inciperet intelligere; nihilominus per locum intrinsecum non sequeretur veritatem rerum non esse aeternam...* *Comm. in primam partem Summae Theologiae*, disp. 78, c. 2 (Venice, 1600), I, p. 482b.

⁹ Descartes, *Lettre à Mersenne*; ed. Adam-Tannery, I, 149.

that the eternal truths have a certain independence of the divine intellect and will: propositions expressing them, he insists, have eternal truth not only as they exist in the divine intellect but also in themselves, prescinding from that intellect: *habent perpetuam veritatem, non solum ut sunt in divino intellectu, sed etiam secundum se, ac praescindendo ab illo*.¹⁰ More precisely, propositions are eternally true in the conditional form (for example, "If man exists, he is an animal"), for as such they have no efficient cause, being the truth of possible and not of actual or real essences. As possible essences, these truths by their nature are not subject to creation.¹¹

Drawing upon his wide acquaintance with the works of his scholastic predecessors, Suarez reviews their opinions about eternal truths before giving his own. Among those in favor of eternally true propositions, he cites Albert the Great with the ancient Arabians, St Thomas, Capreolus, Soncinas, Henry of Ghent, Hervaeus, Scotus, Cajetan, and Silvester of Ferrara. Theirs is the commonly received opinion, he says, but this does not exempt them from his critical appraisal; and in this connection his comments on St Thomas' doctrine of the eternity of truth are of direct interest to the present paper. Suarez realizes that his own position on eternal truths is not exactly the same as that of the Angelic Doctor. He finds wanting in St Thomas an awareness of the eternity of truth that belongs to necessary propositions in themselves and not only in the divine mind. St Thomas, he complains, refers the whole eternity of truth to the divine intellect: *totam hanc perpetuitatem referat (scil. S. Thomas) ad intellectum divinum*.¹² This makes it impossible for St Thomas adequately to meet the objection of certain "modern theologians" who claim that propositions concerning creatures are not eternally true but begin to be true when things come to be and lose their truth when things perish. It is hardly adequate to reply with St Thomas (Suarez protests) that when creatures cease to exist these propositions are true, not in themselves, but in the divine mind; for in this sense even contingent truths exist eternally in the mind of God.¹³ How can St Thomas distinguish between the truth of necessary and contingent propositions if necessary truths are not eternal in themselves but only in the mind of God? It is to assure this distinction that Suarez himself insists that eternally true propositions have eternal truth not only in the divine mind but also in themselves.

So we are led to ask what exactly St Thomas taught regarding the eternity

¹⁰ Suarez, *Disputationes Metaphysicae*, disp. 31, sect. 12, n. 40, (Paris, 1877), 26, p. 295.

¹¹ *Ibid.*, n. 45, p. 297.

¹² *Ibid.*, n. 41, p. 295.

¹³ *Ibid.*, n. 40, p. 294.

of truth. Did he in fact restrict it to the divine mind and agree with "modern theologians" on the evanescence of created truth?

* * *

When St Thomas takes up the problem of truth for the first time, in his commentary on the *Sentences*, he begins by asking whether truth is identical with the essence of a thing.¹⁴ This is a surprising question for a thirteenth century theologian to raise. Did not St Augustine, the father of mediaeval theology, insist that truth is not only an essence but the essence of essences?¹⁵ Following in the Augustinian tradition, St Bonaventure takes it as axiomatic that truth is a "property of essence."¹⁶ This "essentialist" view of truth continued to prevail throughout the late Middle Ages and it was still alive in the minds of Suarez and Descartes. St Thomas' calling it into question and his offering a new perspective on truth are a good example of his propensity — referred to by his biographer William of Tocco — of raising new problems and discovering new ways of solving them.¹⁷

Truth, St Thomas contends, is one of those notions that have a foundation in reality but receive their formal character and completion from an act of the intellect. Time and universals are other examples of this type of notion. They do not exist as such outside the mind, though they have some basis in reality. The activity of the mind that constitutes the formal completion of the notion of truth is the apprehension of things just as they are. More precisely, truth is not found in the simple apprehension of an essence, which is expressed in a definition, but in a judgment, which is signified by a proposition. And since judgment is directed to the being (*esse*) of things, whereas apprehension is directed to their essence, St Thomas concludes that truth is based upon being rather than upon essence or quiddity: *veritas fundatur in esse rei magis quam in quidditate*.¹⁸ Or as he puts it in his *De Veritate*: *Verum sequitur esse rerum*.¹⁹

¹⁴ St Thomas, *In I Sent.*, d. 19, q. 5, a. 1; ed. Mandonnet (Paris, 1929), I, 484.

¹⁵ Augustine, *De Immortalitate Animae*, 12, 19 (PL 32, 1031). See E. Gilson, *The Christian Philosophy of Saint Augustine*, trans. L. E. M. Lynch (New York, 1960), 54.

¹⁶ St Bonaventure, *In I Sent.*, d. 8, p. 1, a. 1, q. 1 (Quaracchi, 1882), I, 152.

¹⁷ William of Tocco, *Vita S. Thomae Aquinatis*, 1 (*Fontes Vitae S. Thomae Aquinatis*, ed. D. Prümmer, M.-H. Laurent, *Revue Thomiste*, 1911-1937, II, 81).

¹⁸ *In I Sent.*, d. 19, q. 5, a. 1, p. 486.

¹⁹ *De Veritate*, I, 1, 3rd sed contra. See the penetrating study of this doctrine by G. B. Phelan, "Verum Sequitur Esse Rerum," *Mediaeval Studies*, 1 (1939), 11-22. Reprinted in G. B. Phelan: *Selected Papers* (Toronto, 1967), 133-154.

The word "truth" accordingly applies primarily to the intellect judging something to be what it is and to the proposition that expresses this judgment. Secondly it applies to being itself as the cause of the truth of judgment; for it is the being of a thing that is the cause of truth: *ipsum esse rei est causa veritatis*. The first principle or original source of truth is *esse*, so that anything is related to truth as it is related to *esse*: *unumquodque enim ita se habet ad veritatem sicut ad esse*.²⁰

The reader of St Thomas' *Sentences* cannot fail to be struck by the constant reference to *esse* in his resolution of the question *Utrum veritas sit essentia rei*. The term *esse* plays the key role here. And lest there be any doubt about its meaning, St Thomas explains that he is using it in the sense of the being that is signified by the copula in the judgment, not in the sense of essence, as it was used by some of his contemporaries.²¹ In short, *esse* as understood by St Thomas is other than essence; it is the act of existing (*actus essendi*). Clearly St Thomas shifts the discussion of truth from essence to existence — a good example of the reformation he brought about in metaphysics when he "began to translate all the problems concerning being from the language of essences into that of existences."²²

The consequences of this "existential" perspective on truth for the problem of its eternity are startling. St Thomas has delineated two factors entering into the notion of truth: the *esse* of a thing and the perception (*apprehensio*) of the knowing faculty proportioned to this *esse*. Both must be taken into consideration in resolving the question whether there is any eternal truth, and if so whether there are many such truths. Now, St Thomas has already shown in his *Sentences* that the divine being alone is eternal (Bk. I, d. 8, q. 2, a. 2). And since there is only one eternal being, there is only one eternal truth, namely the divine. The same conclusion follows for the immutability of truth. In previous articles St Thomas showed that the divine being alone is absolutely immutable (Bk. I, d. 8, q. 3, a. 2-3). It follows that there is only one absolutely immutable truth, namely the divine. The *esse* of other things is changeable. Material things have an *esse* that is variable and contingent; the *esse* of spiritual beings is mutable only in the sense that it is subject to annihilation: if left to themselves, without the divine help, they would lapse into nothingness. In both cases, then, the truth of these beings is changeable: it is variable and contingent in material things, and in spiritual beings it at

²⁰ *In I Sent.*, d. 19, q. 5, a. 1, p. 487.

²¹ *Ibid.*, ad 1m, p. 488. See, for example, William of Auvergne, *De Trinitate*, 2 (Paris, 1674), supplementum, p. 2b.

²² E. Gilson, *God and Philosophy* (New Haven, 1941), 67.

least has a tendency to lapse into nothingness. From the perspective of the being of things, then, it is clear that there is no necessary truth in creatures: *nulla veritas est necessaria in creaturis*.

St Thomas reaches the same conclusion when he views truth from the perspective of the intellect. Only the divine intellect is by nature eternal and unchangeable. Hence there are not many eternal truths: only the one truth that is in God, and that is identical with him, is eternal and immutable.²³

Although he states his position on the eternity of truth in different ways in later writings, St Thomas' views on the subject show no essential change. His doctrine throughout his life is constant and unequivocal: properly speaking there is no eternal truth except that of God himself.

In the *De Veritate* St Thomas approaches the subject of the eternity of truth from the viewpoint of truth as a measure or conformity. Something is called true, he says, because it is measured or conformed. Now this measure may be either intrinsic or extrinsic, as a body may be measured intrinsically by its surface or line, or extrinsically by its time or place. If we take truth to be the inherent measure of true things (the truth we find in things and in created intellects and their propositions), then truth is not eternal, for neither the things themselves nor the intellects in which truth inheres exist for all eternity. On the other hand, if we take truth to mean the extrinsic measure of things, intellects and their propositions, then truth is eternal. But this eternal truth which is the extrinsic measure of all other truths is the divine truth. All things and intellects are true through this primary, eternal truth, as St Anselm wrote in his own *De Veritate*. And the eternal truth of God is one, for he knows all things by knowing himself, and he is one. Hence there are not many eternal truths but one alone.²⁴

St Thomas' final discussion of the question whether there are many eternal truths is in his *Summa Theologiae*, I, 16, 7. His treatment of the subject in this work is brief, as befits a compendium for beginners of theology. After explaining that truth is found properly speaking in the propositions of the intellect, and that other things are called true from this truth of the intellect, he argues that since there is only one eternal intellect, namely the divine, eternity of truth is found in it alone. Nothing else is eternal except God. One of the objections to this position is taken from St Augustine's dictum that there is nothing more eternal than the definition of

²³ *In I Sent.*, d. 19, q. 5, a. 3, p. 496. For the variability of temporal existence, see J. Owens, "Aquinas — Existential Permanence and Flux," *Mediaeval Studies*, 31 (1969), 71-92.

²⁴ *De Veritate*, I, 5.

a circle, or that two and three are five. Since these are created truths, it would seem that created truth can be eternal. To this St Thomas replies simply that the definition of a circle and the proposition that two and three are five are eternal in the divine mind.²⁵

When St Thomas attributes eternity to the divine truth alone, he is using the word "eternity" in its most perfect sense, as designating the highest mode of being: *aeternitas dicitur esse secundum altissimum modum*.²⁶ This is the meaning of eternity as formulated by Boethius in his classic definition: *interminabilis vitae tota simul et perfecta possessio*.²⁷ Understood in this sense, eternity has three characteristics, according to St Thomas. First, it is interminable, lacking a beginning and an end. Second, it is without succession; in other words, what is eternal exists all together at the same time (*totum simul*). Eternity is accordingly timeless and changeless. This excludes all temporal, material things, but not spiritual creatures like angels, whose mode of duration is not time but eviternity. Their being (*esse*) is outside time and is thus *totum simul*, but it is not eternal in the perfect meaning of the term. The eviternity of angels is only a participation in eternity. As a mode of duration, eviternity falls short of eternity because it contains a fundamental termination or limitation: the being of angels is delimited by their essence, and hence their being cannot be said to be absolutely untermiated. Add to this the fact that, along with their eviternity of being, angels change in their thoughts, affections, and places. These areas of mutability bring a sort of priority and posteriority into the angelic life, though this is not strictly speaking lived in time. Only the being of God is interminable and changeless in every sense of the term, and consequently he alone lives in eternity.²⁸

When the term "eternal" is used in this most perfect sense, it clearly applies to God and to his truth alone. But is there not a less perfect meaning of the term that is applicable to creatures? St Thomas points out that Scripture speaks of the "eternal" mountains and the "eternal" fire of hell. The term does not have its strict meaning in these cases; it simply means that hell fire is endless and that the mountains seem to last forever.²⁹ In English we use "eternal" in this broad sense, as the Latins

²⁵ *Summa Theol.*, I, 16, 7, ad 1m. See St Augustine, *De Libero Arbitrio*, II, 8, n. 20-21 (PL 32, 1251); *Soliloquia*, II, 19, n. 33 (PL 32, 901). In *De Veritate*, I, 5, ad 8m replying to the same objection, St Thomas suggests that perhaps Augustine meant that this truth is perpetual (*perpetuum*), not eternal in the strict sense in which he himself uses the term.

²⁶ *In I Sent.*, d. 8, q. 2, a. 2, ad 1m; ed. Mandonnet, 205.

²⁷ Boethius, *De Consolatione Philosophiae*, V, prosa 6 (PL 63, 858). See Plotinus, *Enneads*, III, 7, 3.

²⁸ *In I Sent.*, *ibid.* For the difference between eternity and time, see *Summa Theol.*, I, 10, 5.

²⁹ *In I Sent.*, *ibid.*, ad 3m, ad 4m.

used *aeternum*. St Thomas sometimes prefers the word *perpetuum* to describe something that is lasting or abiding but not eternal in the proper sense.³⁰ He finds a justification for the metaphorical or analogous use of the term *aeternum* in the fact that creatures may participate in some aspect of the divine eternity. For example, he grants that God could have created a universe without a beginning or end in time, and that such a world could be called eternal because in a sense it would be interminable. But he insists that this universe would not be coeternal with God, for it would not have the divine mode of duration or interminability.³¹

In the analogous meaning of the term St Thomas twice, to my knowledge, calls truths eternal: in the commentary on the *Sentences* and again in the *Summa Contra Gentiles*. In both cases the context is similar: St Thomas is discussing the possibility of proving the immortality or eternity of the soul from the fact that it knows the truth. The Augustinian background of the discussion is evident at once, and it helps to explain St Thomas' language. It is indeed exceptional for him to speak of eternal truths; his constant and formal language is that there is only one eternal truth, namely divine truth. An examination of these two unusual passages will throw light on his conception of the eternity of truth.

The occasion for St Thomas' calling truths eternal in the commentary on the *Sentences* is an objection to his stand that there are not many eternal created truths. The objection appeals to St Augustine's proof for the immortality of the soul based on the fact that truth, which is eternal, resides in it. Since the truth in our intellect is not essentially the divine truth — so the argument runs — it follows that there are many eternal truths. As for the eternity of truth, this can be shown by the fact that the very denial of the existence of truth implies its affirmation. For if truth does not exist, it is false that truth exists. But if the affirmation is false, the negation is true, and consequently there is some truth. Hence truth exists and is eternal.

St Thomas begins his reply to this objection by pointing out that if there were no created intellect or soul there would be no created truth, insofar as truth is an activity of the intellect. Only the basis of truth would remain in reality. Of course, in this case truth would also remain in God's mind. But the human soul or mind is not eternal, and hence there was no created truth before it existed. Consequently there is no eternal created truth.

³⁰ Thus St Thomas writes: *Et quamvis omnis forma intendat perpetuum esse quantum potest, nulla tamen forma rei corruptibilis potest assequi perpetuitatem sui, praeter animam rationalem...* *Summa Theol.*, I-II, 85, 6.

³¹ See *Summa Theol.*, I, 46, 1.

As for the argument that if truth does not exist, it is false to say that it does, and since this negation is true there is always some truth, St Thomas replies that this does not follow; for when there is no truth neither is there any falsehood. Unless there exists a created intellect there can be neither true nor false judgment, and since the created intellect is not eternal there can be no eternal created truth or falsehood.

At this point in his reply St Thomas introduces an important distinction between the meaning (*intentio*) of a truth or falsehood and its existence in a mind — a distinction that he likens to that between a universal and its existence in a subject. Both a universal, such as man or color, and a truth or falsehood can be understood in two ways, says St Thomas: either in themselves, with their own meanings (*intentiones*), or as existing in something. Considered in themselves they are not subject to change or destruction, and hence they can be called incorruptible and eternal. They are destructible only *per accidens* through losing their existence in a subject.

This is the basis of Augustine's proof for the immortality of the soul, continues St Thomas. The human intellect can grasp the meaning (*intentio*) of such universal natures as man and color, unlike the bodily senses which can only perceive particular men and colors. It can also grasp the meaning of its truth, which is something the senses cannot do. They can have true perceptions, but they cannot understand the meaning of their truth. The fact that the intellect can grasp the meaning of universals and of its truths, which are in themselves indestructible and eternal, is proof that the intellect is not tied down to a body or dependent on one. Hence it is incorruptible and immortal.³²

This is not the place to comment on the Aristotelian turn St Thomas gives to the Augustinian proof for the immortality of the soul based on truth.³³ More significant for our present purpose is his distinction between the meaning of a truth considered in itself and its existence in a mind, which is parallel to the distinction between a nature or form and its existence in a subject. It was Avicenna who taught St Thomas to differentiate between these two ways of regarding a nature or essence. According to Avicenna, an essence can be considered either absolutely in itself or as it exists in reality or in the mind. In the first way it is abstracted from

³² *In I Sent.*, d. 19, q. 5, a. 3, ad 3m, pp. 496-497.

³³ For St Augustine's proof see E. Gilson, *The Christian Philosophy of Saint Augustine*, trans. L. E. M. Lynch (New York, 1960), 51-55. His proof is based on the Plotinian notion of truth as divine and eternal. What is lacking in his thought, and is clearly present in St Thomas', is the distinction between uncreated and created truth. The Thomistic intellect "can produce truth," the Augustinian mind "is limited to receiving it." E. Gilson, *ibid.*, 110.

actual existence and retains only what belongs to it in virtue of its definition. In the second way the essence is regarded as existing, either with individuality in the particulars of the real world or with universality in the mind.³⁴ As early as his *De Ente et Essentia* St Thomas adopted this twofold consideration of an essence, though his interpretation of it was somewhat different from that of Avicenna.³⁵ St Thomas agrees with him that an essence can be considered just in itself, or absolutely, abstracting from being and all modes of being; but unlike the Muslim philosopher he does not ascribe to the essence absolutely considered a being of its own, an *esse proprium*.³⁶ St Thomas speaks of an absolute consideration of an essence, not of a proper being of an essence, as though an essence possessed a being of its own, an essential being, distinct from its existential being.

Similarly, St Thomas contends that we can think about a truth or falsehood just in itself, considering its meaning in abstraction from whether or not it is entertained by anyone. In his language, truths or falsehoods are then considered *secundum intentiones suas*. But he does not mean that when they are thus considered they have a kind of being in themselves, any more than essences do when thought of just in themselves. The only being or existence truth or falsity has is in a mind: either the divine mind or a created mind. Thus, when he calls truths incorruptible and eternal he does not intend to ascribe eternal or incorruptible being to them. There is only one eternal and completely immutable being, and that is God. Truths are properly eternal, in the sense of having eternal being, only in the divine mind, where they are one with each other and with the divine mind itself.

Clearly, St Thomas is using the term "eternal" in a different sense from this when he says in his commentary on the *Sentences* that truths, like universals, are eternal considered *secundum intentiones suas*. A passage from his *Summa Theologiae* will perhaps enable us to understand the meaning of the term in this context. In the question "Whether Created Truth is Eternal?" one of the arguments for the positive side runs as follows: "That which is always, is eternal. But universals are always and every-

³⁴ Avicenna, *Metaph.*, V, 1-2 (Venice, 1508), fols. 86v-87v; *Logica*, I, fol. 2b; *De Anima*, II, 2, fol. 6v.

³⁵ *De Ente et Essentia*, 3; ed. Roland-Gosselin (Le Saulchoir, Kain, 1926), 24-26. See *Quodl.* 8, 1.

³⁶ Avicenna, *Metaph.*, I, 6, fol. 72vC. Later scholastics called the being proper to essence *esse essentialia* in distinction to the being of existence (*esse existentialia*). See, for example, Henry of Ghent, *Quodl.*, I, 9 (Paris, 1578), fol. 7r. For this notion, see E. Gilson, *Being and Some Philosophers* (Toronto, 1952), 76; J. Owens, *An Elementary Christian Metaphysics* (Milwaukee, 1963), 105, n. 12.

where; therefore they are eternal. So therefore is truth, which is the most universal." St Thomas' reply deserves to be quoted in full:

That something is always and everywhere can be understood in two ways. In one way, as having in itself the power to extend to all time and to all places, as it belongs to God to be everywhere and always. In the other way, as not having in itself determination to any place or time; as primary matter is said to be one, not because it has one form, as man is one by the unity of one form, but by the absence of all distinguishing forms. In this manner, all universals are said to be everywhere and always, insofar as universals abstract from place and time. It does not, however, follow from this that they are eternal, except in an intellect, if one exists that is eternal.³⁷

It will be noticed that here in the *Summa*, unlike the commentary on the *Sentences*, St Thomas does not use the term "eternal" of universals and general truths. Neither, incidentally, does he use the term when replying to the same argument in his *De Veritate*; there the term used is *perpetuum*.³⁸ In the *Summa* he reserves the term "eternal" for its most proper meaning, which applies to God alone. He does concede, however, that universals may be said to be "always and everywhere" because they abstract from all particular times and places. Later scholastics, like John of St Thomas, will call this abstractness of universals and necessary truths "negative eternity" in contrast to the "positive eternity" of God.³⁹ This is not the language of St Thomas, but perhaps it expresses well enough

³⁷ Dicendum quod aliquid esse semper et ubique, potest intelligi dupliciter. Uno modo, quia habet in se unde se extendat ad omne tempus et ad omnem locum, sicut Deo competit esse ubique et semper. Alio modo, quia non habet in se quo determinetur ad aliquem locum vel tempus; sicut materia prima dicitur esse una, non quia habet unam formam, sicut homo est unus ab unitate unius formae, sed per remotionem omnium formarum distinguendum. Et per hunc modum, quodlibet universale dicitur esse ubique et semper, inquantum universalia abstrahuntur ab hic et nunc. Sed ex hoc non sequitur ea esse aeterna, nisi in intellectu, si quis sit aeternus. *Summa Theol.*, I, 16, 7, ad 2m. "To be always and everywhere" is not a positive characteristic of a universal, such as man; otherwise all individual men would exist always and everywhere, because the nature of man is found in each of them. Rather, the phrase is to be taken *per modum negationis seu abstractionis*, i.e. in the negative sense that the universal nature abstracts from every determinate time and place. See *In I Post. Anal.*, lect. 42, n. 6; ed. Leonine (Rome, 1882), I, 311.

³⁸ Dicendum, quod hoc quod dicitur, universale perpetuum esse et incorruptibile, Avicenna dupliciter exponit: uno modo ut dicatur esse perpetuum et incorruptibile, ratione particularium, quae nunquam inceperunt nec deficient secundum tenentes aeternitatem mundi; generatio enim ad hoc est, secundum Philosophum, ut salvetur perpetuum esse in specie, quod in individuo salvari non potest. Alio modo ut dicatur esse perpetuum, quia non corrumpitur per se, sed per accidens ad corruptionem individui. *De Veritate*, I, 5, ad 14m. This negative notion of the perpetuity of universal natures is traceable to Avicenna, *Sufficientia*, I, 3 (Venice, 1508), fol. 15vb.

³⁹ John of St Thomas, *Cursus Theologicus*, comm. in primam partem, disp. 22, a. 4 (Paris, 1934), II, n. 19, p. 637; disp. 9, a. 3, n. 40, p. 78.

what he had in mind. Universals and abstract truths, considered in themselves, may be said to be "always and everywhere" in the purely negative sense of not being determined to place or time. This is because they abstract from being and every mode of being, including spatial and temporal being. But in its most perfect sense eternity is not a negative notion, nor does it abstract from being. As we have seen, it is the highest mode of being (*esse secundum altissimum modum*), which belongs to God alone.⁴⁰

In likening the "eternity" of truths to that of universals in his commentary on the *Sentences*, St Thomas does not mean to imply that truths, like universals, are essences or forms. We have already seen him deny that truth is an essence.⁴¹ Still, he says in his *De Veritate* that a truth is expressed as a form (*per modum formae*).⁴² When a universal truth is thought of just in itself, no account is taken whether or not it is entertained by a mind; its intelligible content is understood simply in itself, abstracting from the subject in which it may exist. Formal expression is then given to the truth in a proposition. It is said to be incorruptible or immutable in the sense in which an essence or form can be said to be indestructible or immutable. The subject in which it inheres may change through receiving or losing it, but it itself is not the subject of change. In itself it abstracts from change as it also abstracts from time and place. Hence its incorruptibility and immutability, like its "eternity," results from its abstractness. It is not immutable in the sense that it has immutable being, any more than it is eternal because it possesses eternal being.

Incidentally, the reader will notice that St Thomas calls falsehoods as well as truths incorruptible and eternal.⁴³ This is because they too have a formal intelligible content or meaning that can be understood just in itself, abstracting from whether or not they are entertained by a mind. As such, they share with truths an abstractness that removes them from the conditions of change and temporal or spatial determination. Hence, like truths, they are immutable and "eternal."

The distinction between the objective and subjective consideration of truths (i.e. between the consideration of them in themselves and as they exist in a mind) is also made by St Thomas in his *Summa Contra Gentiles* when treating of the possibility of proving the eternity of the soul from the fact that it knows the truth. At first sight it might seem that the soul's eternity can be proved on this basis. Is not the truth of intelligible matters

⁴⁰ See above, note 26.

⁴¹ See above, note 18.

⁴² *De Veritate*, I, 6.

⁴³ See above, note 32.

both imperishable and eternal in itself? For such truths are necessary, and what is necessary cannot be otherwise, and hence it is eternal. It would seem, then, that the soul's knowledge of these truths can be the basis of demonstrating not only its immortality but also its eternity.⁴⁴

St Thomas does not find this line of argument convincing. He points out that the eternity of truth can refer either to the thing understood (i.e. the object) or to that by which it is understood (i.e. the subject). If the truth is eternal in the first way, we can argue to the eternity of the thing understood but not to the one who understands it. But if the truth is eternal in the second way — with respect to the means by which it is understood or the subject who understands it — then it follows that the soul is eternal. Now the means by which we know the truth are not eternal: these means are the intelligible species that begin to exist in us through the activity of the agent intellect upon phantasms. So we cannot conclude that the soul is eternal, but we can infer that the truths we understand are grounded in something eternal, namely in the primary truth which is the universal cause containing all truth. This eternal truth is the goal our intellect seeks; and since it is ordained to an eternal end it must have the capacity of enduring forever. Thus the eternity of intelligible truth is a ground on which we can prove the immortality of the soul but not its eternity.⁴⁵

We could not wish for a more felicitous expression of St Thomas' conception of the eternity of truth. As in his commentary on the *Sentences*, he grants that intelligible truths can be called eternal because they have an objective basis in something eternal. This basis is the eternal truth of God, which is the primary truth and the universal cause containing all truth. Thus all talk about eternal truth is meaningful only in reference to him.

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At the beginning of this paper we saw Suarez make certain reservations about the adequacy of St Thomas' doctrine of the eternity of truth. We are now in a position to evaluate his criticism and to understand why his own views on the subject were somewhat different from those of the Angelic Doctor.

The main burden of Suarez' criticism is that St Thomas refers the whole eternity of truth to the divine mind, thus failing to account for the eternal

⁴⁴ *Summa Contra Gentiles*, II, 83, n. 2.

⁴⁵ *Ibid.*, II, 84, n. 4.

truth necessary truths have in themselves, prescinding from the divine mind. As we have seen, St Thomas does in fact teach that there is only one eternal truth, whether this is the truth of being or of intellect. This one eternal truth is identical with God. All other truths have eternal truth only in the divine mind, where they are identical with each other and with the divine mind. The reason for this limitation of eternal truths to the mind of God is easy to see. Since there is no other eternal being or intellect except his, and since truth is either the truth of being or of intellect, there can be no other eternal truth besides his. Created truth, whether of being or of intellect, is neither eternal nor entirely unchangeable.

But does not St Thomas grant that necessary truths have an eternity in themselves, if not in the strict sense of the term, at least in the negative or analogous sense of abstracting from time and place? We should recall that it is only incidentally, in reply to objections to his doctrine, that he uses the term "eternal" of abstract necessary truths. Moreover, he does so only in the commentary on the *Sentences* and the *Contra Gentiles*. In the later *Summa Theologiae* he seems deliberately to avoid the term.⁴⁶ Eternity, for St Thomas is properly a mode of duration of being, and as such it belongs to God alone. In an analogous or negative sense truths, like universals, may be called eternal because they abstract from place and time; but even this use of the term is connected with its proper use, for all truths are true because they are grounded in the eternal divine truth, which is the universal cause containing all truth.

Suarez' critical reaction to St Thomas' doctrine is understandable because Suarez himself ascribed more than a negative sense to the eternity of necessary truths taken in themselves. Eternal truths, for him, eternally possess in the divine mind a possible being that is not the being of God himself. Though they actually exist for all eternity only in the divine mind, in themselves they have eternal possible being, for it is a fact from all eternity that the essential predicates of an essence can be truly predicated of it, and every truth is based upon a certain being. The kind of being upon which the eternal truths are grounded, according to Suarez, is the essential being (*esse essentiae*) that belongs to an essence just in itself.⁴⁷ This is a type of real being, in the sense of being non-fictitious, unlike the being of a chimera, though it is not real in the full sense of being an actual existent. From all eternity essences have this type of possible being in themselves, independent of any extrinsic efficient causality. In other

⁴⁶ For the dating of these works, see I. T. Eschmann, "A Catalogue of St Thomas's Works," in E. Gilson, *The Christian Philosophy of St Thomas*, trans. L. K. Shook (New York, 1956), 384-387.

⁴⁷ Suarez, *Disputationes Metaphysicae*, disp. 31, sect. 2, n. 8; 26, p. 231.

words, essences are not created by God in their mere possibility but only in their actual existence.⁴⁸ And neither are the possible truths involved in these essences created by God: he is not their producer but a mere spectator of them. If he did produce them, they would issue from his will and consequently they would not be necessary but contingent truths. It is because of this, as we have seen, that Suarez claims that necessary truths are eternally true, not only as existing in the divine mind, but also in themselves and abstracting from that mind.⁴⁹

It is precisely on this point that Suarez parts company with St Thomas. We have already remarked that the latter does not ascribe an essential being to essences taken just in themselves. Though he grants that essences may be considered in themselves, he does not believe they have a being or entity in themselves. The only being they have is that of the subject in which they exist; in themselves they are simply nothing.⁵⁰ Similarly, truths can be thought of in themselves, but the only being or entity they have is that of the mind which thinks about them. If that mind is God's they have eternal being; if the mind is human they have temporal being.

As a result of this, there is no room in St Thomas' thought for *created* eternal truths, for this would imply that God could give truths eternal being, which is reserved for him alone. Neither is there a place in his teaching for "neutral" eternal truths, which would have an eternal possible being in themselves, independent of God and human minds. Only on the supposition that eternal truths have a kind of entity in themselves does the late mediaeval and early modern philosophical discussion concerning their possible creation or non-creation, and their possible independence of the divine mind and will make sense. These questions are eliminated from the outset once St Thomas' existential notion of truth is adopted.

⁴⁸ *Ibid.*, n. 10, p. 232. Suarez distinguishes between two meanings of *esse essentiae*. The first is merely possible being, which is found only in knowledge and not in reality; the second is actual essence, which belongs to an actually existing creature. Essential being in the first sense does not need an efficient cause but only in the second sense. *Ibid.*, n. 11, p. 232. For the Suarezian notion of essence, see E. Gilson, *Being and Some Philosophers* (Toronto, 1952), 96-107. For its distinction from existence, see J. Owens, "The Number of Terms in the Suarezian Discussion of Essence and Being," *The Modern Schoolman*, 34 (1957), 147-191. Before Suarez, Capreolus also maintained that the essence of creatures is uncreated. See N. J. Wells, "Capreolus on Essence and Existence," *The Modern Schoolman*, 38 (1960), 1-24.

⁴⁹ See above, notes 10-13.

⁵⁰ *Ex hoc ipso quod quidditati esse tribuitur, non solum esse, sed ipsa quidditas creari dicitur; quia antequam esse habeat, nihil est, nisi forte in intellectu creantis, ubi non est creatura, sed creatrix essentia.* *De Potentia*, 3, 5, ad 2m. Suarez agrees that the essence of a creature cannot be an actual reality without being freely created by God, but this does not prevent it from being a possible essence independent of God's creative act. See Suarez, *Disp. Metaph.*, disp. 31, sect. 2, n. 3; 26, p. 230.

But at the same time does this not eliminate the distinction between necessary and contingent truths? If essences perish with the existences of things — if they have no essential being of their own distinct from their existential being — so too do necessary propositions, in which essential predicates are attributed to a subject. These propositions, then, are not eternal or necessary but contingent truths.

This conclusion, which Suarez finds so unpalatable, St Thomas has no hesitation in accepting. "There is," he says, "no necessary truth in creatures."⁵¹ This is because nothing created exists eternally or immutably — not even truths in human minds. They are contingent on the existence of these minds and subject to their temporal vicissitudes. The discovery itself of truth has a temporal and historical dimension, as is seen in the fact that the ancient philosophers gradually and as it were step by step (*paulatim et quasi pedetentim*) progressed in the knowledge of the origin of things.⁵² And sometimes we must be content with hypotheses which are not necessarily true, though they "save the appearances." Thus the Ptolemaic system of astronomy, according to St Thomas, "saves the appearances," but the celestial phenomena might conceivably be "saved" in still another way not yet known to man.⁵³ If all created minds ceased to exist, so too would the truths residing in them. They would then exist only in the mind of God, where they would be identical with him and his eternity.

Accordingly, when created truths are considered from the perspective of their being or existence, they cannot be said to exist necessarily. But these truths can be considered just in themselves, abstracting from their being or existence. They can then be distinguished into necessary and contingent truths, depending on whether or not they can be otherwise. A necessary truth is one that cannot be otherwise, as for example a truth of mathematics or a principle such as "Every whole is greater than its part." A contingent truth can be otherwise; for example, "Socrates is sitting."⁵⁴ Nor is this distinction destroyed by the fact that God eternally knows all truths; for he knows necessary truths to be necessary and contingent truths to be contingent.⁵⁵

⁵¹ See above, note 23. For Aquinas' views on the historicity of truth, along with its stability in creatures, see J. Owens, "Aquinas — Existential Permanence and Flux," *Mediaeval Studies*, 31 (1969), 88-90.

⁵² *Summa Theol.*, I, 44, 2. See *De Potentia*, 3, 5.

⁵³ *In II De Caelo et Mundo*, lect. 17, n. 2; ed. Leonine (Rome, 1886), 3, 186-187; *Summa Theol.*, I, 32, 1, ad 2m.

⁵⁴ For the distinction between necessary and contingent truths, see *In I Post. Anal.*, lect. 43, n. 3; ed. Leonine (Rome, 1882), I, 319.

⁵⁵ See *Summa Theol.*, I, 14, 13.

Thus the difficulties raised by Suarez regarding the stability of necessary truths and their distinction from contingent truths can be adequately met on Thomistic grounds. These grounds, however, are quite different from those upon which Suarez himself, along with other late scholastics, based their doctrine of eternal truths. The originality of St Thomas' own views on the subject are traceable to the novelty of his notion of *esse* and its relation to truth. But it was the Suarezian metaphysics of essences rather than the Thomistic doctrine of *esse* that influenced the early modern discussion of the nature of eternal truths.⁵⁶

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⁵⁶ On the influence of Suarez on modern metaphysics, see E. Gilson, *Being and Some Philosophers* (Toronto, 1952), 105 ff.

Hrotswitha's "Dulcitius" and Christian Symbolism

SANDRO STIGGA

TRADITIONAL medieval scholarship has frequently classed Hrotswitha's *Dulcitius* as a farce and it has essentially emphasized the ludicrous and comical qualities of both the legend and its main character, Dulcitius. The critics' central preoccupation with the play's most conspicuous characteristic has tended to obscure the fundamental spiritual and theological patterns unmistakably implicit at the center of the story: the allegorizations of Dulcitius and of the Kitchen. This becomes apparent when one reflects on the logical juxtaposition of the two and on the unquestionable prominence that both Hrotswitha and her hagiographical sources have given to Dulcitius' lustful antics in the Kitchen.

The assumption that medieval Latin literature is always susceptible to the figurative readings is still valid and it seems to provide us with more suggestive approaches to the play of *Dulcitius*. Exegetical tradition, in particular, offers substantial evidence to justify a crucial new interpretation of the main passage of the play which is more consonant with Hrotswitha's didactic intentions.

This paper will point out the symbolic structure of the play by emphasizing the figurative meaning of the Dulcitius-Devil-Cook analogy, and by showing that in the play the Kitchen is the symbolical infernal portrait of Hell, where Dulcitius' moral corruption is accomplished, and that the *pots* and *pans* he embraces are the processes of that corruption.

One of the earliest critics to give prominence to the farcical element of Hrotswitha's play was Charles Magnin:

cet ouvrage [Dulcitius,] bien que composé, comme tous ceux du même écrivain, dans une pensée d'édification et de piété, remplit néanmoins le plus indispensable des conditions imposées à l'auteur comique, celle d'exciter le rire et la gaiété. On peut même dire qu'à cet égard *Dulcitius* dépasse quelque peu les bornes du genre. Cette pièce est plus qu'une comédie, c'est une farce religieuse, une bouffonnerie dévote...¹

Hrotswitha's obvious feeling for situation, her gift for characterization, and her ability to manipulate successfully the erotic and ludicrous elements crystallized in the character of Dulcitius, appear to have partly influenced

¹ *Théâtre de Hrotswitha* (Paris, 1845), p. XL.

later commentators to consider the play primarily as a conscious effort at comedy. In the first English translation of the plays of the famous Benedictine nun of Gandersheim, Christopher St John refers to *Dulcitius* as "the only play of Roswitha's obviously designed to provoke laughter,"² and in the only full-length book in English, offering a critical examination of Hrotswitha's plays, Sister Mary Marguerite Butler indicates that the first part of the play is a religious farce — the misadventures of the erotic *Dulcitius*.³ In the most recent and most comprehensive bibliography on Hrotswitha's works, Anne Lyon Haight, too, contributes to this polarization of attitudes by remarking that although Hrotswitha's plays have been called comedies "it seems that the only real comedy, in the modern sense of the word, is that of *Dulcitius*."⁴

The traditional and unilateral consideration of this play as a purely comic composition is mainly due, however, to the scholars' persistence in associating *Dulcitius*' dramatic vitality exclusively with Hrotswitha's avowed effort, carefully explained in the prologue to her plays, to imitate the literary artistry of Terence. The distinguished medievalist Karl Young, after observing that of her plays only *Dulcitius* evokes laughter, indicates that here she adopts almost completely the technique and temper of her model: Terence.⁵

Hrotswitha's imitation of Terence has been asserted by a number of scholars who are willing to consider her work primarily as the main stream of two important tributary channels: the *mimetic* tradition, surviving from the disintegration of the Roman Empire and possessing within definite limitations an histrionic sensibility, and the *classical* tradition established on recollection of the works of Plautus, Seneca and Terence. Unquestionably Hrotswitha does declare that she is trying to imitate Terence but it is perfectly clear that her imitation is limited only to form and style.⁶

² *The Plays of Roswitha* (London, 1923), p. xvii; Rosamond Gilder, in "Hrotswitha: The Strong Voice of Gandersheim," *Theatre Arts Monthly* (1930), 338 observes that "*Dulcitius* is particularly interesting in that it contains the one intentionally comic scene in Hrotswitha's plays."

³ *Hrotswitha; The Theatricality of Her Plays* (New York, 1960), 48.

⁴ Ed., *Hrotswitha of Gandersheim* (New York, 1965), 24-25.

⁵ *The Drama of the Medieval Church*, 2 vols. (Oxford, 1933), I, 5; Silvio D'Amico observes in his *Storia del Teatro drammatico* (Milano, 1960), II, p. 17 that "nei suoi piccoli drammi... Rosvita s'era proposta di imitare... Terenzio." M. O'C. Walshe, *Medieval German Literature* (Cambridge, 1962), points out, p. 31, that she "composed about 960 six Latin comedies modelled on Terence." Hardin Craig, *English Religious Drama* (Oxford, 1955), on p. 366 remarks on the "Terentian plays of Hrotswitha."

⁶ In an essay titled "The 'Terentian' Comedies of a Tenth-Century Nun," *The Classical Journal*, 24 (1928-29), Cornelia C. Coulter shows that Hrotswitha's connections with Terence

It would be inconceivable to suppose that in the tenth century, in a monastic environment, thoroughly Christian and orthodox, a nun would openly imitate in language and structure the pagan plays of Terence. Significantly enough, Hrotswitha's intention in writing her plays is markedly anti-Terentian. The material of her stories is morally different from that of Terence; it is drawn from the annalists of the Christian faith. George R. Coffman has cogently observed that the product of Hrotswitha's plays "in spirit and content... is akin to the miracle play, and entirely medieval rather than Terentian or classical."⁷ It is perfectly clear, therefore, that by imitating Terence she means that she is using the same literary form but in quite a different fashion. The preface to her plays reveals her motivation:

Plures inveniuntur catholici, cuius non penitus expurgare nequimus facti, qui pro cultioris facundia sermonis gentilium vanitatem librorum utilitati praeferunt sacrarum scripturarum. Sunt etiam alii, sacris inhaerentes paginis, qui licet alia gentilium spernant, Terentii tamen fingmenta frequentius lectione et, dum dulcedine sermonis delectantur, nefandarum notitia rerum maculantur. Unde ego, Clamor Validus Gandeshemensis, non recusavi illum imitari dictando, dum alii colunt legendo, quo eodem genere, quo turpia lascivarum incesta feminarum recitabantur, laudabilis sacrarum castimonia virginum iuxta mei facultatem ingenioli celebraretur.⁸

It is evident from this passage that Hrotswitha's intention was to provide an edifying version of Terence's immoral comedies.⁹

Given Hrotswitha's avowed purpose of glorifying the Christian virtues, the reading of *Dulcitius* on the spiritual, christological or ecclesiological level is not at all impossible. Recourse to the *sensus spiritualis* was not limited in the Middle Ages to the reading of the Bible alone but was applied to the entire patrimony of Christian tradition. Medieval exegetes even found edification in the allegorical interpretation of the classics by providing the *prima facie* meaning of an account, or its *sensus literalis* with a *sensus spiritualis* amplification.

are extremely few and states (p. 528) that "the one outstanding similarity is that in both authors a story is developed by means of dialogue." Giorgio Brugnoli in "Note di filologia medievale" *Rivista di Cultura Classica e Medievale*, Anno 3, n. 1 (1961), 116, remarks that "la stessa imitazione di Rosvita, lo sforzo più notevole di un adeguamento ad una tecnica narrativa verificatosi prima del Mille, si richiama a Terenzio soltanto per la dolcezza dello stile e la sua autorità nelle *artes dicendi*."

⁷ "A New Approach to Medieval Latin Drama," *Modern Philology*, 22 (1924-25), 263.

⁸ Paulus de Winterfeld, *Hrotsvithae Opera* (Berlin, 1965), 106.

⁹ Ezio Franceschini, "Per una revisione del teatro latino di Rosvita," *Rivista Italiana del Dramma*, 1 (1938), 308; Hugo Kuhn, in *Dichtung und Welt im Mittelalter* (Stuttgart, 1959), 100, indicates that Hrotswitha's purpose "ist eine Widerlegung des Terenz, ein christlicher Sieg über ihn auf seinem eigenem Felde."

Hrotswitha's didactic and moral intention in *Dulcitius* becomes particularly evident when one applies to the play the methodology of medieval exegesis and one places in its right perspective the kernel of the story: the allegorization of both Dulcitius and the Kitchen. The edifying character of the play is evident since it is meant to show forth the meaning of the *imitatio Christi*: the successful overcoming of temptation and the gaining of the crown of martyrdom through death. The story, in the *Argumentum in Dulcitium* is, in fact, referred to as the *Passio sanctarum virginum Agapes, Chioniae et Irenae*. In the great christological texts of the early Christian era sanctification is viewed not only in terms of free will, but in terms of Christ's operations in the soul. In the *Quid nomen professione Christianorum sibi velit* (What is the Christian name and profession) Gregory of Nyssa writes that "if from the beginning man was a likeness of God, perhaps we have not extended the definition beyond the mark in saying that Christianity is the imitation of the divine nature."¹⁰

The legend of *Dulcitius* may be best understood as a mythic construct involving accurate historical data as these are made conformable to the mythic paradigm of Christian saintliness for the edification of Hrotswitha's monastic community. A full interpretation of the play, however, is intimately related to the symbolical structure of the temptation episode and a consideration of the wider religious contexts of the passage. The spiritual signification of the scene is prepared in particular by the functional symbolism of

- A. The Night
- B. The Kitchen and Dulcitius
- C. The Pots and Pans

In order to express relevant and pertinent comments on the nature of the play it is necessary first to focus the critical perspective on the hagiographical source used by Hrotswitha by a repetition of its principal details. The martyrdom of the holy virgins Agape, Chionia, and Irene took place in the year 290 at Thessalonica. They were put to death by order of Diocletian. As it appears in the Bollandists' edition of St Anastatius' version, the legend reads:

Proficiscente igitur Diocletiano ad Macedoniam, omnes Christiani qui in vinculis erant, simul a custodibus cum eo ducti sunt: inter quos erant simul Agape, Chionia, atque Irene. Igitur cum suggestum fuisset Imperatori de his qui habentur in claustris, jussit Praesidi Dulcicio diversis tormentorum generibus angere universos, qui diis sacrificare noluissent, divitiis atque honoribus sublimari constituit. Verum quia longum est multorum Dei Martyrum

¹⁰ Migne, PG 46, 249.

gesta conscribere, tres sorores memoramus, Dulcicii Praesidis praesentatas aspectui: quas videns Dulcius, captu oculorum adstrictus, turpissimo agebatur spiritu: atque fecit eas apud talem officialem tradi custodientas, qui eis promitteret libertatem, si consensum suum ejus captivae animae praebuissent. Igitur cum neque promissionibus insanis, neque terroribus animum commutarent; ipse indignissimus Praeses ausus est nocturno silentio pergere, atque cellam ingredi, ubi illae orantes noctem Christo pervigilem exhibebant. In quo autem loco illae erant clusae, omnia utensilia culinae illic reposita habebantur. Igitur cum fuisset ingressus, atque vellet ire ubi eum vox Psalmorum triplicibus sonis impellebat, ollas coepit amplecti atque sartagine deosculari. In quibus ludificatus diu, donec niger totus atque cacabatus effectus, talis coepit in vestibus atque in facie esse, qualis a diabolo possidebatur in corpore.

Egresso tandem ad suos, qui eum cum luminari expectabant pro foribus, fugerunt omnes, videntes eum cacabatum totum atque scissum, atque nullam partem penitus in vestimentis quae non esset inquinata atque scissa. *Stantibus vero Dei ancillis atque psallentibus, nullum penitus per eum potuit diabolus impedimentum adferre.* Videns itaque Praeses se ab Officio suo contemptum atque derelictum, nesciens quid de eo factum fuisset, non est reversus ad domum suam, sed coepit concito cursu ira ad palatium, dicens: Prosternam me invictissimis Principibus, atque dicam me ab Officio meo ludibrii habitum, atque cum irrisone atque clamoribus derelictum. Cumque primo mane apertum esset palatium Imperatoris, atque ille totus cacabatus atque scissus ante regiam aulam apparuisset, atque intus vellet intrare; alii virgis, alii pugnibus, alii exufflantes in faciem ejus impingebant eum; atque alii ridentes, alii irascentes expellebant eum.

Tandem vix potuerant ad domum suam eum servi ejus reducere, dicentes ei, Recipe te. Clauserat enim diabolus oculos ejus, atque non poterat seipsum attendere: videbatur enim ei quod totus mundus incedens, niveis vestimentis esset indutus. Omnes autem sui, sive uxor, sive ancillae, excapillatae in occursum ejus venerunt: dicebatur enim a daemone illus, mentis suae non esse. Ille autem tamdiu mente sua carebat, quamdiu intus positus ollas atque sartagine fuisset amplexus: ceterum eo tempore quo ab Officio suo relinquebatur, a cunctis spernebatur, a suis lugebatur, *mens in eo sana erat*, atque soli oculi tenebantur a satana...¹¹

Hrotswitha's play follows faithfully the hagiographical source and it preserves its thematic structure by emphasizing on the dramatic level the spiritual implications of the Night, the Kitchen, Dulcitus and the Pots and Pans, already present in the original.

A. The symbolical interpretation of the Night is justified both by the importance that Hrotswitha and her source give to it and by the consideration that her monastic Christian community had, or at least was supposed to have, the capacity of responding ritualistically to the religious motifs the Night was designed to represent. The hagiographical account empha-

¹¹ *Bollandi Acta Sanctorum*, t. 9, Aprilis (Antwerp, 1675), 248-249.

sizes the fact that the Governor Dulcitus seeks the virgins out in the silence of the night with criminal intent: "ipse indignissimus Praeses ausus est nocturno silentio pergere, atque cellam ingredi, ubi illae orantes noctem Christo pervigilem exhibebant."¹² In Hrotswitha's play Dulcitus also comes during the night asking the guards: "Quid agant captivae sub hoc noctis tempore?"¹³ It is not without apparent reason that the temptation of the three holy virgins should occur during the night. In both Scripture and liturgy light, the sun, and sunshine are frequently used as mythic patterns symbolizing God, Christ and divine life, whereas the absence of light, night and darkness, with equal frequency symbolize the sinister powers of hell. The work of Christ was precisely a work of rescuing man from the powers of darkness: "eripuit nos de potestate tenebrarum,"¹⁴ and the Devil is traditionally referred to as the Prince of Darkness.

In darkness the worshiper senses Satan's natural habitat, while the veil of night seems to serve well as cloak for the prince of this world. Being a creature of light the child of God is afraid of darkness... for when night falls, it is as if hell depopulates itself and sends its inmates over the face of the earth to lure men to destruction.¹⁵

The Night symbolism acquires a deeper meaning in terms of the story when one realizes the striking analogy that Hrotswitha establishes between the Prince of Darkness and Dulcitus. Dulcitus is in fact possessed by the Devil, who through him seeks the damnation of the three holy virgins. A common medieval practice was the expressing of man's particular spiritual imperfection by a reference to a corresponding physical defect as an exemplification of it. In this respect it can be pointed out that Dulcitus' physical delusion, the temporary loss of his visual perspective is illustrative and a direct consequence of his moral blindness. In his *Sermo ad Scholares*, Alanus de Insulis, clearly remarks on this association:

Vere tenebre interiores execratio mentis, quam duo operantur, ignorantia boni, et concupiscentia mali. Per hoc enim quod aliquis ignorat bonum et contempnit malum, labitur in execrationis abissum.¹⁶

Traditional Christian theology has always proclaimed the power of prayer as a fetter against evildoing and a protection against the satanic forces. It is for this reason that in the play, to Dulcitus' question, "Quid agant captivae sub hoc noctis tempore?" the guards answer: "Vacant

¹² *Ibid.*, 249.

¹³ de Winterfeld, *op. cit.*, 129.

¹⁴ *Beati Pauli Apostoli ad Colossenses*, 1: 13.

¹⁵ Pius Parsch, *The Church's Year of Grace*, 5 vols. (St. John's Abbey, 1964), 2, 64-65.

¹⁶ Alanus de Insulis' *Sermo ad Scholares* in Marie-Thérèse d'Alverny, ed., *Alain de Lille. Textes Inédits* (Paris, 1965), 275.

hymnis." The hagiographical source, too, after pointing out that the devil is operating in Dulcitius, remarks on the significance of prayer as an instrument of protection against temptation: "Stantibus vero Dei ancillis atque psallentibus nullum penitus per eum potuit diabolus impedimentum adferre."¹⁷ Christians were constantly urged to be watchful for the devil, particularly at Night, and to keep a vigil by means of prayer. Speaking on *The Vigil of Easter* St Augustine writes: "our wrestling is not against flesh and blood; but against principalities and powers, against the rulers of the world of this darkness... And so by the light of our vigils let us stand firm against the rulers of darkness."¹⁸ Christian tradition considers subjection to temptation by the devil as much a part of human nature as is death itself. St Paul cautions the Ephesians against the Devil's temptations by constant vigilance and fortitude: "You must wear all the weapons of God's armory, if you would find strength to resist the cunning of the devil... Use every kind of prayer and supplication; pray at all times in the spirit; keep awake to that end with all perseverance."¹⁹ Through the strength gained by means of their prayers the holy virgins successfully resist the diabolic temptation and thus preserve their virginal innocence. No one needed to remind Hrotswitha of Christ's words to his disciples in the Garden of Gethsamani: "Vigilate, et orate ut non intretis in tentationem."²⁰ Hrotswitha's monastic community would not have had any difficulty in understanding the symbolical function of the Night in the structure of the play, for that function had been long established and defined by Scriptural and liturgical usage. Rabanus Maurus actually refers to Night as "ipse diabolus... Nox, seductor humani generis..."²¹

B. The analogy Dulcitius-Devil as it formulates itself in the play corresponds to the mythic pattern established by the hagiographical source

¹⁷ *Bollandi Acta Sanctorum*, op. cit., 249.

¹⁸ Augustine, *Sermo* 219, PL 38, 1088. "Non est nobis colluctatio adversus carnem et sanguinem, sed adversus principes et potestates, et rectores mundi, tenebrarum harum (Eph. 6: 12).... Luce itaque vigiliarum, resistamus rectoribus tenebrarum."

¹⁹ Eph. 6: 10-18: "Induite vos armaturam Dei, ut possitis stare adversus insidias diaboli... per omnem orationem, et obsecrationem orantes omni tempore in spiritu: et in ipso vigilantes in omni instantia."

²⁰ Matthew, 26: 41.

²¹ *Allegoriae*, PL 112, 1007. The Office for *Dominica ad Completorium* asks divine assistance against the evil lurking at night:

I

Te lucis ante terminum
Rerum Creator, poscimus
Ut pro tua clementia
Sic praesul et custodia

II

Procul recedant somnia,
Et noctium phantasmata;
Hostemque nostrum comprime,
Ne polluantur corpora...

followed by Hrotswitha and it defines and illustrates more cogently the meaning of the Night. As Dulcitius attempts, during the Night, to enter the virgins' dwelling, he becomes the victim of a delusion (presumably through divine intervention) and mistakes for the objects of his passion the sauce-pans and frying-pans in the adjacent kitchen. He embraces and kisses these until his face and clothes are black with soot and dirt. The hagiographical source clearly establishes ritualistically the formal pattern of the Dulcitius-Devil analogy:

Igitur cum fuisset ingressus, atque vellet ire ubi eum vox Psalmorum triplicibus sonis impellebat, mens ejus in alienationem conversa, ollas coepit amplecti atque sartagine deosculari. In quibus ludificatus diu, donec niger totus atque cacabatus effectus, talis coepit in vestibus atque facie esse, *qualis a diabolo possidebatur in mente*.²²

Hrotswitha faithfully transposes the pattern in her play through a virtual duplication of the last words. Agape, upon seeing Dulcitius, comments: "Decet, ut talis appareat corpore, *qualis a diabolo possidetur in mente*."²³

The critics' central preoccupation with the comic aspect of Dulcitius has failed to recognize the obvious religious implication of his character. The episode does not simply represent in a comic fashion the lustful antics of Dulcitius but rather provides the audience with a mythic participation in the representation of the life and martyrdom of the holy virgins by depending heavily on their ritualistic responses. The function of Hrotswitha's play is quite clear. It constitutes a powerful dramatic statement on the Christian faith at its richest and most complex. The participation of the audience in the telling of a saint's life was itself an act of faith. The aim which Hrotswitha has is that which motivated the medieval church as a whole: to express in visible, dramatic terms the facts and values of the accepted body of Scripture and theological belief. Christian art, particularly the dramatic art, is more than a pleasing ornament, it is actually grafted on the fabric of Christian thought. According to the traditional technique *per visibilia ad invisibilia*, the visual arts were employed for didactic purposes, namely to strengthen the faith. The tradition was ancient, explicitly attested since the time of Pope Gregory the Great who, in a letter to Serene bishop of Marseille, dated July 599, stressed that "pictura in ecclesiis adhibetur ut hi qui litteras nesciunt saltem in parietibus videndo legant quae legere in codicibus non valent."²⁴

²² *Bollandi Acta Sanctorum*, op. cit., 249. Italics are mine.

²³ de Winterfeld, op. cit., 130. Italics are mine.

²⁴ *Registrum Epistolarum*, eds. P. Ewald and L. M. Hartmann, in MGH, Epp. II (Berlin, 1890), I. IX, nr. 208, p. 195.

The Dulcitius-Devil analogy can be clearly regarded as a logical corollary of the Night symbolism, for just as the Devil's traditional realm of activity is Darkness, so too Dulcitius chooses the night to accomplish his criminal designs. Cassiodorus, for instance, furnishes a clear statement of the Night-Devil relationship by remarking that "*umbra mortis, absolute diabolus est, qui obscure nobis laqueos ponit, ut per nebulas ipsius decepti in aeternae mortis praecipitia corruamus.*"²⁵ The Dulcitius-Devil analogy is further enhanced by a rather different but perhaps more concrete visual chrySTALLIZATION of Dulcitius' physical appearance after the sojourn in the kitchen.

The Devil was traditionally depicted as being completely black and both Hrotswitha and her hagiographical sources dwell on the striking parallel that the unfortunate Dulcitius offered to the blackness of the Devil. After Dulcitius leaves the kitchen, the hagiographical account points out that he is *niger totus* and in the play Irene remarks that "*nam facie, manus ac vestimenta, adeo sordidata, adeo coinquinata, ut nigredo quae inhaesit similitudinem Aethiopis exprimat.*"²⁶ The association between the darkness of the Devil and that of the Aethiopian race is frequent in Patristic and medieval writing and Hrotswitha may have read Bishop Aldhelmus' (c. 639-709) version of the martyrdom of the three holy virgins, where he refers to Dulcitius as being "*Aethiopica nigredine fuscatus.*"²⁷

Since the early times of Christianity, the Church tried to deal with the problem of demonology. Argumentation centered particularly on the question of whether the devils were corporeal or not. More generally, Christian exegesis divided the devils into two groups, Biblical demons and mythological demons, according to whether their existence had been established through Scriptural and Patristic, or through pagan myth. As early as the fourth century definite descriptions regarding their human form began to appear, associating it with anything which is black, grimy and sooty. In his *Dialogi*, I, II. c. 4, Saint Gregory narrates of the tempting of a monk by the devil in the form of a black boy. In the *Homiliae in Evangelium*, I, 12, 7, he further tells of the horrible spirits seen by the wealthy Chrysaorius on his death-bed: "*Qui ad extremum veniens, eadem hora qua iam de corpore erat exiturus, apertis oculis vidit tetros et nigerissimos spiritus coram se assistere, et vehementer imminere, ut ad inferni claustra se raperent.*"²⁸ Many are the legends in which the Devil appears under

²⁵ *Expositio in Psalterium*, PL 70, 169.

²⁶ de Winterfeld, 130.

²⁷ MGH, *Auctorum Antiquissimorum*, t. 15, P. I (Berlin, 1919), 306.

²⁸ PL 76, 1122.

the form of an Aethiope. Indeed both pagans and Christians usually portrayed the devil as a black demon.²⁹ At times, the devils are represented in terms of the worst possible human and animal characteristics. The devils who torment Saint Gutlac (d. 714), for instance, are described thus: "Erant enim aspectu truces, forma terribilis, capitibus magnis, collis longis, macilentia facie, luridu vultu, squallida barba, auribus hispidis, fronte terva, trucibus oculis, ore foetido, dentibus equinis, gutture flammivomo, faucibus tortis, labro lato, vocibus horrisonis, comis combustis, buccula crassa, pectore arduo, femoribus scabris, genibus nodosis, cruribus uncis, talo tumido, plantis aversis, ore patulo, clamoribus raucisonis."³⁰ Beginning with the eleventh century, in the West, the figure of the Devil gradually assumes the most monstrous forms designed to render a more vivid and visual idea of the inborn, innate disharmony of the diabolical nature. These forms are the progenitors of the repugnant, abnormal, bestial and demonic caricatures that will later come out of the imagination of painters such as Hieronymus Busch, Peter Breughel, Jacomus Callot and Salvador Rosa.

Black is the prominent physical feature of the medieval devil. In the *Song of Roland*, for instance, Abismes, clearly a Devil analogue, is described as "neirs come peiz k'est demise" (l. 1474). The infidels attacking Roland and his peers "plus sont noir que nen est adremenz" (l. 1932). Dante, in the *Inferno* calls them variously "angeli neri" and "neri cherubini." (XXIII, 131; XXVII, 113).

A more fruitful understanding of the Dulcitus-Devil analogy is provided by the Patristic tradition which regarded death as a struggle with the devil. Scholars have already shown how extremely conscious the ancient Christians were of the presence of the devil in all the contingencies of life, but especially at the moment of death.³¹ Martyrdom, in particular, was regarded as a direct struggle with the demon, for the suffering which the martyrs endured were inflicted upon them not by man, but by the devil who strove to overcome and devour them. And it was the duty

²⁹ F. Dölger, *Die Sonne der Gerechtigkeit und der Schwarze* (Liturgiegeschichtliche Forschungen 2, Münster, 1919); A. C. Rush, *Death and Burial in Christian Antiquity* (Studies in Christian Antiquity, ed. Johannes Quasten, I, Washington, 1941), 210-211; F. Zimmermann, "Kleine Beiträge zur Religionsgeschichte, 1: Die schwarze Farbe des Teufels," *Theologie und Glaube*, 4 (1912), 631-634.

³⁰ *Acta Sanctorum*, Aprilis, t. 1, p. 42.

³¹ Alfred C. Rush, "An Echo of Christian Antiquity in St. Gregory the Great: Death as a Struggle with the Devil," *Traditio*, 3 (1945), 369-380; H. Achelis, *Das Christentum in den ersten drei Jahrhunderten* 1 (Leipzig, 1912), 132; M. Gruenthaner, "The Demonology of the Old Testament," *Catholic Biblical Quarterly*, 6 (1944), 6-27.

of the Christian to resist the Devil at all times but particularly at the time of death. Tertullian indicates that although it is faith which snatches the Christian from the devil, it is through his fortitude in suffering that he conquers him.³² During the early times of persecution Christian writers singled out those who overcame the adversary at the critical moment of their battle through fortitude and constancy of faith. St Ignatius of Antioch appears to be the originator of the concept of martyrdom as a battle with the devil.³³

This particular principle is a corollary to St Ignatius' conception of Christian life as the imitation of Christ, an imitation which consists not only in the observance of the moral law, but in conforming oneself particularly to his passion and death. St Cyprian wrote his *Ad Fortunatum* to fortify the soldiers of Christ for their spiritual combat. To them he says: "si militibus saecularibus gloriosum est ut hoste deuicto redeant in patriam triumphantes, quanto potior et maior est gloria uicto diabolo ad paradysum triumphantem redire...?"³⁴ Tertullian exhorts Christians in prison awaiting martyrdom: "Bonum agonem subituri estis."³⁵ And Prudentius furnishes perhaps the clearest illustration of the concept of martyrdom as a struggle with the Devil when he refers to the prison housing the soon-to-be martyr Vincent as a dark and horrendous Hell:

est intus, imo ergastulo,
Locus tenebris nigrrior,
Quem saxa mersi fornicis
Angusta clausum strangulant.
Aeterna nox illic latet,
Expers diurni sideris:
Hic carcer horrendus suos
Habere fertur inferos.³⁶

True to the pattern of Christian tradition, the devil who comes to tempt man at the time of his death or martyrdom is often described as a black Ethiopian. St Cyril of Alexandria provides a most imaginative description of that moment:

Ὅποῖον φόβον καὶ τρόπον δοκεῖς τὴν ψυχὴν ἔχειν ἐν τῇ ἡμέρᾳ ἐκείνῃ,
θεωροῦσαν τοὺς φοβερούς, καὶ ἀγρίους, καὶ ἀπηνεῖς, καὶ ἀνηλεεῖς
καὶ ἀτιθάσσους δαίμονας, ὡς Αἰθίοπας Σοφώδεις παρισταμένους, ὧν
καὶ αὐτὴ ἡ ἰδέα μόνῃ χαλεπωτέρα ὑπάρχει πάσης κολάσεως, οὕστι-

³² *Scorpiace* (CSEL 20, 156 Reifferscheid).

³³ J. Quasten, *Patrology* 1 (Maryland, 1950), 70-71.

³⁴ *Ad Fortunatum* 13, CSEL, 1, 346 Hartel.

³⁵ *Ad Martyres*, PL 1, 624.

³⁶ *Peristephanon*, PL 60, 393-394.

νας ὁρῶσα ἡ ψυχὴ θορυβεῖται, θορεῖται. ὀδυνᾶται. ταρασσεται, καὶ
συστέλλεται ...³⁷

Living in a monastic community, Hrotswitha must have been acquainted with this tradition, particularly since the substance and matter of her plays are all founded on well-known legends of saints and martyrs. In our play the virgins are well-aware of their forthcoming martyrdom and are fortified for the struggle. Irene says to the Emperor Diocletian: "Hoc optamus, hoc amplectimur, ut pro Christi amore supplicis laceremur."³⁸ The analogy Dulcitus-Devil assumes, in view of the preceding, a greater focus for like the traditional black devil, Dulcitus too comes, all black with soot, at the time of the death struggle of the virgins. As traditional Christian exegesis suggested,³⁹ Hrotswitha too, then, considers the death of martyrs as a struggle with Satan. As I have already indicated Agape clearly identifies Dulcitus both physically and spiritually as the adversary: "talis appareat corpore, qualis a diabolo possidetur in mente."

G. It is customary, particularly in didactic literature, to refer to the devil in a general way, as the source or principle of evil. The Fathers of the Church often speak of the devil in the same fashion as they speak of sin and death. It is not so much that the devil is made a personification of the death-principle and the sin-principle, as that death and sin are rather made the chrystallization, the embodiments, in the temporal, of what the devil is in the spiritual, and thus provide the most vivid imagery in which to picture the devil. In non-dramatic literature the devil is more often than not a traditional abstract theological figure. Abstractions however, can be personified. Writing a play Hrotswitha realized that the devil as a dramatic figure presupposes a personal character having certain corporeal attributes and having certain actions to perform. Under the corporeal attributes may be understood the outward appearance, in our case black, under actions to perform, the attempted seduction of the virgins and the embracing of the pots and pans. The transformation of an abstraction into a dramatic character has been achieved for impersonation, action and dialogue are essential to the *dramatis personae* and constitute the *sine qua non* of any drama. And it is particularly through action and dialogue that Hrotswitha makes her audience accept an anthropomorphic devil as an imaginative symbol of the discarnate one.

³⁷ *Homilia 14 de exitu animae*, PG 77, 1073.

³⁸ de Winterfeld, *op. cit.*, 128.

³⁹ F. Dölger, "Der Kampf mit dem Ägypter in der Perpetua Vision. Das Martyrium als Kampf mit dem Teufel," *Antike und Christentum*, 3 (1932), 177-188; H. Campenhausen, *Die Idee des Martyriums in der alten Kirche* (Göttingen, 1936), 156.

The symbolism inherent in the Night and in the Dulcitius-Devil analogy would certainly suffice to firmly establish the spiritual significance of the play as a whole and of Dulcitius in particular. The entire temptation scene, however, is significantly heightened by a consideration of the Kitchen as the symbolical portrait of Hell. Prof. F. W. Locke has pointed out how descriptions of a medieval kitchen have a way of suggesting Hell. A vivid example of this is provided by a description of a kitchen in Milo's of St Amand, *De Sobrietate* (II, 303-308):

Perspice fumantes iam nocte dieque culinas
Sudantesque coquos tetra fuligine nigros,
Fercula portantes, pallentes fasce ministros.
Stat pincerna potens iam lassus in aede reclinis,
Alternis vicibus varians vestigia stertit
Et tacita ventri maledicit fauce capaci.

And later

De pice sulphurea, de verme minetur edaci,
De flammis sine luce feris gravibusque catenis
Deque ingi fletu, de 'vae' sine fine perenni,
Daemonibus sociis coniunctio qualis habenda
Sed tetro in baratro vastaue voragine clausus
Inque undande chao pice sulphure vermibus igne
Dentibus horrificis stridens gemitumque frequentans
Speque carens veniae, cariturus fine cupito
Haec semper patietur et his reparabitur ustus.⁴⁰

Just as the medieval kitchen was often seen as a metaphorical description of Hell, so also many of Hell's portraits are carried out through an unmistakable reference to Kitchen symbolism. In the third century A. D., St Cyprian of Carthage offers this portrait of Hell:

Saeuius locus, cui gehenna nomen est magno plangentium murmure et
gemitu et eructantibus flammis per horrendum spissae noctis caliginem saeva
semper incendia camini fumantis expirat, globus ignium arctatus obstruitur
et in varios poenae exitus relaxatur.⁴¹

Hrotswitha's setting of the temptation scene in the Kitchen must not be seen then as a device to provide a comic interlude in the martyrdom

⁴⁰ "Gancelon and the Cooks," *Symposium*, 20 (1966), 144-46. Rabanus Maurus in *Allegoriae in Universam Sacram Scripturam* refers to the chimney, *caminus* as "infernalis vita, ut in Evangelis: 'Et mittent eos in caminum ignis,' id est, in ardorem flammae infernalis." PL 112, 882.

⁴¹ *Liber de Laude Martyrii*, PL 4, 798. In the *Jeu d'Adam*, Hell is clearly described as a medieval Kitchen: "Et singuli alii Diaboli illos venientes monstrabant, et eos suscipient et in infernum mittent. Et in eo facient fumum magnum exurgere, et vociferabuntur inter se in inferno gaudentes, et collident caldaria et lebetes suos, ut exterius audiantur."

of the three holy virgins but rather as having been provided by a long tradition which conceived of Hell as a Kitchen and which further conceived of cooks as devils, and of Satan as the ἀρχιμάγειρος, "chief cook."⁴² Dante for instance, in the XXI canto of the *Inferno* refers to the demons' handling of the swindlers beneath the surface of a ditch full of boiling pitch. As the swindlers try to "air themselves" demons stand ready to snatch them. Dante describes this scene by a metaphorical reference to the demons as cooks handling meat in a cauldron:

Non altrimenti i cuoci a lor vassalli
Fanno attuffare in mezzo la caldaia
La carne con li uncin, perchè non galli.⁴³

Lest the function of the cooks be questioned as having no relation to the central function of the essay, namely the interpretation of the work of art, may I readily point out that Dulcitius' moral corruption is precisely accomplished by his embracing of the instruments employed by the cooks: pots and pans.

Having established both the Dulcitius-Devil and the Devil-Cook analogies, the interpretation of the play on a symbolical and religious level would obviously be strengthened if I could cogently suggest a cook-Dulcitius analogy. Although that suggestion is clearly alluded to by the fact that Dulcitius is in the Kitchen to perpetrate his evil purpose, the analogy Dulcitius-Cook is convincingly provided by the striking significance that traditional medieval exegesis attached to pots and pans. A brief recapitulation of the scene as described by Hrotswitha will here center our attention upon this unusual and suggestive incident completely overlooked by scholars and yet so central to the entire meaning of the play.

As the three holy virgins attend to their prayers during the night, they hear loud noises coming from the adjacent Kitchen. They realize that it is Dulcitius and looking through the key-hole Irene relates to the other sisters what she sees:

Nunc ollas molli foveat gremio, nunc sartagines et caccabos amplectitur
mitia libans oscula.

The structural symbolism upon which I have tried to build the interpretation of the play might have fallen here, since the sight of Dulcitius in his predicament is obviously comic. The medieval reader, however, familiar with exegetical tradition could not fail to perceive the religious symbolism present in the scene and therefore to respond to it accordingly.

⁴² Locke, *loc. cit.*, 144-48.

⁴³ *Inferno*, XXI, 55-57. I owe this reference to Professor Anthony L. Pellegrini.

The medieval Latin word for pot or saucepan is *olla*. It is generally associated with Sin, the Devil, and more specifically with carnal, sexual appetite, desire or love. Cassiodorus observes: "Iste ergo [diabolus] *ollae* comparatur, quae carnes susceptas decoquit, et in quandam suavitatem fervido vapore perducit."⁴⁴ Rabanus Maurus points out that *olla* signifies "mens reproba... mentem reprobam desideriis carnalibus inflammata... *Malitia* diaboli..."⁴⁵ He not only states that *olla* signifies a reprobate mind inflamed by carnal desires but also points out that it is symbolical of the Devil's own malice. In the twelfth century Guarnerus, Canon of St Victor, writes: "*Ollae* quoque nomine generaliter quodlibet cor carnale intelligitur... *Ollarum* nomine carnalia opera designantur..."⁴⁶

The theological pattern of the play seems to suggest that having been tempted in the Kitchen, the symbolical abode of the Devil on earth, and having overcome him, the holy virgins can receive the crown of martyrdom. Alain de Insulis, who lived some two hundred years later than Hrotswitha, but who may have been familiar with an earlier tradition defines temptation by a virtual duplication of the pattern used by Hrotswitha in her play *Dulcitius*. The Christian, according to Alain, is tested in the furnace of demonic temptation, and purified in that of divine test:

Beatus igitur qui suffert temptationem. Alius fert temptationem qui impatienter fert eam. Alius fert, qui sustinendo patienter fert eam. Alius effert qui non solum per tribulationem meretur palmam, verum etiam glorificant ipsam, ut tribulatio que in se est horrenda glorificatur ipsa patientia, et cum ille qui sustinet probatus fuerit, probatus, inquam, in temptatione infirmitatis humanae, *examinatus in diabolice temptatione fornace, decoctus in diuine temptationis examine, accipiat coronam vite.*⁴⁷

In essence, this rite is the trial by fire strikingly phrased in Ecclesiasticus 27: 6: "The furnace trieth the potter's vessel, and the trial of affliction just men;" and I Corinthians 3: 13-15: "The work of each will be made manifest, for the day of the Lord will declare it, since the day is to be revealed in fire."

Furthermore, the spiritual pattern of the story, the whole action of the drama follows the consistent pattern of the imitation of Christ. Christian writers constantly emphasize the fact that man's terrestrial journey is

⁴⁴ *Expositio in Psalterium*, PL 70, 169.

⁴⁵ *Allegoriae*, PL 112, 882.

⁴⁶ *Gregorianum Liber*, PL 15, 460.

⁴⁷ *Alains de Lille. Textes Inédits*, ed. Marie-Thérèse d'Alverny (Paris, 1965), 264; Rabanus Maurus, in *Allegoriae*, loc. cit., 931, refers to *Fornax* as "Antichristus... *Fornax*, tribulatio, ut in libro Sapientiae: Tanquam aurum in fornace probavit eos."

primarily a spiritual one and that in this spiritual pilgrimage the Christian imitates Christ.⁴⁸ And martyrdom was considered to be the perfect imitation of Christ, the best example of the *spiritalis amplexus*, the mystical union of the soul with Christ. As Origen proved in his *εἰς μαρτύριον προτρεπτικός*, the real disciple of the Saviour is the martyr for he stands closest to Christ by identifying himself with Him in suffering and in death.⁴⁹ The symbolic imitation of Christ is particularly illustrated by the perfectly integrated and organic relationship which Hrotswitha clearly establishes between the three holy virgins, Agape, Chionia and Irene on the one hand, and Diocletian, Dulcitus and Sisinnius on the other. It is quite apparent from the play, that like Dulcitus, Diocletian and Sisinnius too are allegorical objectifications and temporal extensions of Satan. Hrotswitha's probable source for this parallel may have been James 1: 14-15 "Then when lust hath conceived, it bringeth forth sin: and sin, when it is finished, bringeth forth death."

A consideration of Diocletian, Dulcitus and Sisinnius in the development of the play definitely suggests the following parallels: Diocletian-Passion, Dulcitus-Sin, Sisinnius-Death. It is indeed Diocletian who first tries to instill passion and lust in the hearts of the three holy virgins by promising them advantageous marriages to the highest members of his court if they abjure Christianity:

Parentelae claritas ingenuitatis vestrumque serenitas pulchritudinis exigit,
vos nuptiali lege primis in palatio copulari, quod nostri iussio annuerit fieri,
si Christum negare nostrisque diis sacrificia velitis ferre.⁵⁰

Unable to overcome the obstinacy of the three virgins Diocletian orders that they should be examined by Governor Dulcitus who, by trying to physically seduce the virgins, becomes the true personification of Sin, thus logically and spiritually illustrating James' biblical passage that "when lust hath conceived, it bringeth forth sin." We have already indicated how Dulcitus meets with utter defeat in his attempted seduction, thus providing the prelude for the dramatic entrance on the scene of Sisinnius, who, by physically bringing about the death of the three virgins, becomes himself both the temporal and spiritual representation of Death, while in turn exemplifying and concluding the biblical passage: "and Sin, when it is finished, bringeth forth Death."

⁴⁸ The conception of the Christian as the *Homo Viator*, a wayfarer in a strange world and a *peregrinus* on the road to his heavenly home, was an essential concept of early Christian and medieval thought. On the subject see Gerhart B. Ladner, "*Homo Viator*: Mediaeval Ideas on Alienation and Order," *Speculum*, 42 (1967), 233-249.

⁴⁹ *εἰς μαρτύριον προτρεπτικός*, Chaps. 11, 12-13, 28-29 in PG 11, 577, 577-581, 596-600.

⁵⁰ de Winterfeld, 127.

The parallel between Diocletian, Dulcitius and Sisinnius as temporal representations of the satanic forces, and the three holy virgins as exponents of Christian virtues is even more striking in terms of the obvious juxtaposition of the characters themselves. Agape, whose name means charity, is spiritually played off against Diocletian, who initiates the entire tragic development of the story by failing to exhibit any human compassion and mercy for the virgins. Chionia, meaning snow, a traditional symbol of purity, is clearly juxtaposed to Dulcitius, the personification of Sin, and finally Irene, who signifies peace, is a most appropriate religious counterpart of Sisinnius, who represents Death. At the end of the play, the final confrontation is indeed between Peace (Irene) and Death (Sisinnius).

The virgins' imitation of Christ is further illustrated by the three temptations — of the World, the Flesh, and the Devil — to which they are subjected and which parallel the temptations by which Satan successfully tempted Adam and Eve in the Garden of Eden, and unsuccessfully tempted Christ in the wilderness. In view of the analogies which I have previously established, it is evident that Diocletian represents the temptation of the World as he tries to seduce the virgins by a vision of the honor, rewards and magnificence of advantageous marriages; concomitantly Dulcitius is definitely meant to illustrate the temptation of the Flesh as he tries during the night to defile the virgins' innocence; Sisinnius symbolizes the temptation of the Devil for as we have already indicated, it was traditionally understood that martyrdom was a direct struggle and confrontation with Satan.

The notion that World, Flesh, and Devil both separately and as a whole were hostile to man's spiritual progress was widely entertained in the Middle Ages.⁵¹ St Augustine explains that a Christian had to struggle with these enemies even after baptism:

Ecce enim baptizati sunt homines, omnia illis peccata dimissa sunt, justificati sunt a peccatis; negare non possumus: restat tamen lucta cum carne, restat lucta cum mundo, restat lucta cum diabolo.⁵²

Of interest to our particular purpose is the fact that scholars have found the immediate source for this topos in the monasticism of the ninth and tenth centuries,⁵³ the kind of religious asceticism in which Hrotswitha spent her formative years. Although the three temptations of the World, Flesh and Devil are, in the Middle Ages, alternately referred to as three enemies

⁵¹ Siegfried Wenzel, "The Three Enemies of Man," *Mediaeval Studies*, 29 (1967), 47-66.

⁵² *Sermo* 158, 4, PL 38, 864.

⁵³ Wenzel, *loc. cit.*, 59-61.

of equal standing or with the Flesh or the World and sometimes both together as helpers or instruments of Satan, it appears that Hrotswitha follows the biblical account (Matt. 4: 1-11; Luke, 4: 1-13) where all three are instigated by Satan.

It would appear from what I have been indicating that without turning from the intrinsic problems of the literary piece and by preserving the *littera*, that is, the literal text itself whose primacy is sacred, the methodology of medieval biblical exegesis allows us to successfully build thematic religious patterns which, in my specific instance, are clearly recognizable as being part of the traditional Christian patrimony. The Night symbolism, the Dulcitus-Devil analogy, the metaphorical significance of the Kitchen, the peculiar interpretation of the pots and pans, the symbolical parallel between the three virgins and the three representatives of secular authority, are illustrative of the allegorical method which beguiles the reader with a continuous interplay between subject and sense in the story telling.

Having proceeded from the beginning to the dramatic development of the story within a traditionally religious and spiritual frame of reference, Hrotswitha preserves the architectural and thematic unity of the play by providing the reader or the spectator, to the end, with clearly identifiable historical and religious associations, which, while aiding in eliciting an aesthetic response, were primarily designed to afford him a moral or edifying lesson and to make him realize the worth of a life dedicated to God. That Hrotswitha should employ such a secular theme, an attempt to seduce three virgins, to supply a moral lesson should not be too surprising. Karl D. Uitti, in a provocative essay, observes how "in hagiographical literature the saint's renunciation of the world and his, or her, consequent dedication to divine love are often dramatically symbolized by a rejection of carnal love."⁵⁴

Hrotswitha's faithful account of the virgins' suffering in its historical and even comic perspective is justifiable in view of the fact that medieval audiences were fascinated with the earthly life of their saints which stressed for them their historical existence. The stories of the saints, of the early Christian martyrs and confessors, and their persecutions excited the imagination of the medieval mind just as that of the Greeks was appalled and exalted by the deeds of their heroes.

As a religious person and a dramatist at that, Hrotswitha was much more concerned, however, with the paradigmatic meaning and value of her story. By renouncing earthly love the virgins have acquired divine

⁵⁴ "The Old French *Vie de Saint Alexis*, Paradigm, Legend, Meaning," *Romance Philology*, 20 (1967), 271.

love. Their renunciation is an exemplification of that love. Having denied the corporeal, they acquire a divine potency which exhibits itself in the wonders performed by God on their behalf. Hrotswitha's purpose in the play is both to make chastity appealing by placing focus on the saints' divine reward and to confirm the public's own devotion and faith. By the same token, the *Dulcitius* incident is primarily designed to show that the tempter's destiny is humiliating defeat for evil is self-consuming.

The presence of the comic in the play of *Dulcitius* must be therefore understood within the medieval concept of *ridendo dicere verum* and of the *ludicra seriis miscere* principle. Hrotswitha's poetical conception is entirely Christian. She is not interested in the development of human characters but in the exaltation of virginity by the absolute dedication and holiness of the saints. Indeed, in the face of such infallibility what can a poor devil do.

The poetic theme of Hrotswitha's pious legends is ill suited to the development of human passions and the creation of a dramatic situation for the *dramatis personae*: virgins and martyrs, saints and sinners, emperors and executioners, are stereotyped and rigid. Her characterization of the martyrs and sinners, in particular, is so dominated by religious considerations that they lack tragic motivation and human sensibility. With martyrdom being not a catastrophe but a victory, the characterization and the sudden conversions are devoid of internal self-appraisal and conviction. The characters behave, generally, as allegorical personages, for the tragic situation is marked by the intervention of God, who as a *deus ex machina* irregularly facilitates the development of action. Unquestionably there is an inherent dramatic pathos in her dramas but it results from the conflict between the *pia devotio* and the *mundana pravitas* rather than from the depth of pathos and the dignity of a soul in agony. Her characters are involved in moral conflicts designed to give expression to the ideas of contemporary Christian teaching.

The spirit which animates Hrotswitha's legends as well as the incipient liturgical drama, draws its strength from and reflects the profound Christian asceticism which characterizes every literary manifestation of tenth-century medieval life. The integral understanding of the play of *Dulcitius* presupposes an awareness both of the theocentric Christian mystery and of the fact that, in the early Middle Ages, dramatic art was an integral but subordinate element of Christian liturgy and theology. Art performed a mediatorial service; it prepared the spectators for Christ's operation in them while leading to a greater understanding of Christian virtues. The last words of Irene, the youngest of the three virgin martyrs clearly reveal the sanctifying and edifying aspects of a life so intensely lived:

Hinc mihi quam maxime gaudendum, tibi vere dolendum, quia pro tui severitate malignitatis in tartara dampnaberis; ego autem, martirii palmam virginitatisque receptura coronam, intrabo aethereum aeterni regis thalamum; cuius est honor et gloria in saecula.⁵⁵

Irene's words are visibly inspired by the ascetic tradition of the *imitatio Christi* with its qualities of absolutism and complete dedication which are so necessary for those who would seek to imitate perfectly the martyrdom of Christ. Jesus' biblical message and His own life had established already the tradition and its practice: "Blessed are they that suffer persecution for justice's sake, for theirs is the kingdom of heaven." And more cogently "Do not be afraid of those who kill the body but cannot kill the soul. But rather be afraid of him who is able to destroy both soul and body in hell." Hrotswitha closely adheres to the monastic and spiritual atmosphere of the times when she too expresses the purpose of her dramas as being that of glorifying God and of proclaiming wherever possible the virtue of Christ working in His saints: "Christi, qui sanctis operatur, virtutem quocumque ipse dabit posse cessem praedicare."

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⁵⁵ de Winterfeld, *op. cit.*, 134.

Gerard of Abbeville, "Quodlibet" XIII, Question 10

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THE following edition of and commentary on the hitherto unedited *Quodl.* XIII, q. 10 of Gerard of Abbeville constitutes a small contribution to the continuing effort to trace the history of infinity in the thirteenth century. Gerard of Abbeville probably wrote *Quodl.* XIII some twenty years¹ after Richard Fishacre completed, in or near 1245, his *Commentary on the First Book of the Sentences* in which occurs the earliest known attribution of absolute infinity to God.² Gerard is known to have been acquainted with Fishacre's *Commentary*³ and probably was also aware of the teachings of Bonaventure and Thomas on infinity, for he was embroiled in the controversy between the seculars and the mendicants at the University of Paris.⁴ However, Gerard followed the tradition of the twelfth century on most matters.⁵ It is precisely as a master who remained generally traditional, but who was also acquainted with the work of Fishacre, that he is of interest to the student of divine infinity.

MANUSCRIPTS AND EDITION

The *Quodlibetic Questions* of Gerard of Abbeville are present in a number of MSS,⁶ but only three of these contain the thirteenth quodlibet. Further, Paris, B.N., Lat. 14557 is wanting the tenth question.⁷ Hence, our edition is prepared entirely from two MSS:

¹ Only two of the quodlibets are dated: *Quodl.* VI (1266), *Quodl.* XIV (1269). See P. Glorieux, *La littérature quodlibétique de 1260 à 1320* (Paris, 1925), I, 116, 122.

² See L. Sweeney, "Divine Infinity According to Richard Fishacre", *Mod. Schoolman* 35 (1957-58), 191-212.

³ See D. Callus, *Introduction of Aristotelian Learning to Oxford* (London, 1944), 33.

⁴ D. L. Douie, *The Conflict Between the Seculars and the Mendicants at the University of Paris in the Thirteenth Century* (London, 1954).

⁵ P. Glorieux, "Pour une édition de Gérard d'Abbeville", *RTAM* 9 (1937), 56-61.

⁶ See P. Glorieux, *Litt. quodl.*, I, 111-127; *Répertoire des maîtres en théologie de Paris au XIII^e siècle* (Paris, 1933), no. 174, I, 356-360, for these MSS.

⁷ It contains qq. 3-6, 1-2 (in that order) at ff. 138^r a-141^rb.

P — Paris, B.N., Lat. 16405, f. 95^v a-b.⁸

V — Vat., Lat. 1015, f. 89^v a-b.⁹

The quodlibets are given different numbers in the two collections, so that our text appears as *Quodl.* XIII, q. 10 in P and as *Quodl.* XII, q. 10 in V.

P, which seems to be the better of the two MSS, has been adopted as the basis of the edition, although all variant readings are included in the *apparatus criticus*. The text itself has been divided into paragraphs, and the punctuation of the original is not retained. The orthography has likewise been normalized to the standard of Lewis and Short, and the spelling of proper names has been brought into conformity with current usage. Two editorial symbols ought to be explained:

[] enclose letters, words, etc. that ought to be removed from the text.

< > enclose letters, words, etc. that ought to be added.

TEXT

Decimo et ultimo quaesitum fuit utrum deus sit infinitus.

Et ostendebat quod sic dicit Anselmus¹⁰ quod deus est quo melius excogitari non potest. Sed omne illud quo melius excogitari non potest est infinitum. Ergo, et cetera.

Item: *Magnitudinis ejus non est finis*.¹¹ Ergo, et cetera.

Contra: Omne illud quod ita est hoc, quod non aliud, est finitum. Sed deus ita est deus quod non est leo vel asinus, et sic de aliis creaturis. Ergo deus est finitus.

Dic quod deus est simpliciter infinitus, quia infinitus est natura, virtute, operatione, comprehensione,¹² cognitione, circumscriptione, et duratione.

⁸ Incipit of the MS: De caritate quaeritur primo utrum multa opera... (f. 25^va). Explicit of the MS: ... e contrario utitur scientia ut dicitur *Physicorum* vii (f. 121^va). Incipit of the *Quodl.*: Quaesitum fuit primo utrum sacerdos qui... (f. 91^ra). Explicit of the *Quodl.*: Ex dictis patet solutio omnium quaesitorum (f. 95^vb). Incipit of q. 10: Decimo et ultimo quaesitum fuit utrum deus... (f. 95^va). The explicit of q. 10 is the same as the explicit of the *Quodl.*

⁹ Incipit of the MS: In nostra generali disputatione ad sex reducuntur... (f. 1^ra). Explicit of the MS: ...in domo patris mei mansiones multae sunt, et cetera (f. 132^rb). Incipit of the *Quodl.*: Primo quaesitum fuit utrum sacerdos... (f. 84^vb). Explicit of the *Quodl.* (f. 89^vb) is as in P. Incipit (f. 89^va) and explicit (f. 89^vb) of q. 10 are the same as in P. The piece following the *Quodlibeta* in V at f. 132^vb-b probably does not belong to Gerard, for it employs the locution 'dicendum quod' instead of Gerard's characteristic 'dic quod'.

¹⁰ Anselm, *Pros.*, IIff.; Schmitt, I, 101ff. The formula with *excogitari* comes from Boethius, *De Consol. Phil.*, III, pr. 10; CG 94, i, 53, not from Anselm.

¹¹ *Ps.* cxliv, 3.

¹² *poss. apprehensione V.*

Natura quidem, quia certis initiis vel terminis natura non continetur, sicut natura creaturae, secundum quod dicit Ambrosius, in libro *De Spiritu Sancto*:¹³ omnis creatura certis naturae limitibus est contenta.¹⁴ Et glossa¹⁵ *Genesis* 1,¹⁶ super illud, *factum est vespere et mane, dies unus*, dicit: omnis creatura certis¹⁷ initiis et terminis continetur. Et¹⁸ contra de creatore, qui non potest dici 'finitus' ratione summae simplicitatis, quia finitum componitur ex finiente et finibili. Unde dicitur primo *Sententiarum*¹⁹ libro:²⁰ eadem, scilicet incommutabili[tati]s divinitatis essentia, sola proprie ac vere simplex est ubi nec partium nec accidentium ulla est diversitas sive variatio vel multitudo; et sumptum est de sexto libro *De Trinitate* capitulo (95^vb) v.²¹ Et in eodem capitulo vii:²² (89^vb) nihil simplex mutabile est; omnis autem creatura mutabilis est. Nulla ergo creatura vere est simplex. Deus vero et simpliciter dicitur 'vere<unus>',²³ et summe simplex est. Et undecimo libro *De Civitate Dei* capitulo x:²⁴ ideo 'simplex' dicitur, quoniam hoc est quod habet, excepto eo quod relative quaeque persona ad alteram dicitur. Et infra:²⁵ propter hoc itaque natura²⁶ dei simplex est, cui non sit aliquid aliud habere, quod amittere possit; vel aliud sit habens, aliud quod habet.

Ex hoc sequitur quod²⁷ sit infinitus virtute, quia virtus quam habet non est aliud a sua natura. Dicitur enim 'infinitus virtute creandi', quia potest super infinitam distantiam quae est inter²⁸ omnino non esse et [inter] simpliciter esse. Augustinus, in primo libro *De Symbolo*:²⁹ ideo est omnipotens, quia de nihilo fecit³⁰ quaecumque fecit. Non enim aliqua materies, cum <est fons>³¹ ex qua demonstraret artis suae potentiam.

¹³ Ambrose, *De Spiritu Sancto*, I, vii, 81; PL 16, 753A.

¹⁴ obtenta V.

¹⁵ *Glossa Ordinaria* in *Gen.* i, 5, attributed to Augustine.

¹⁶ *Gen.* i, 5.

¹⁷ om. V.

¹⁸ om. P.

¹⁹ Peter Lombard, *Sent.*, I, d. 8, c. 3; Quaracchi, I, 61.

²⁰ add. in V.

²¹ Augustine, *De Trin.*, VI, iv, 6-v, 7; PL 42, 927-28.

²² Augustine, *De Trin.*, VI, vi, 8; PL 42, 929.

²³ cām, tām P; cñ, cū, tñ, tū V. poss. esse.

²⁴ Augustine, *De Civ. Dei*, XI, x; CC 48, 330.

²⁵ *Ibid.*

²⁶ nam V.

²⁷ quo V.

²⁸ om. V.

²⁹ Ps.-Augustine, *Sermo* 237, 1-3; PL 39, 2183-84.

³⁰ add. omnia V.

³¹ lacuna P.

Similiter infinitus est³² virtute conservandi, quia omnes virtutes quibus non est finis pendentes sunt per infinitum primum, quod est virtus virtutum.³³

Tertio dicitur 'infinitus operatione', quia omnia quaecumque voluit fecit. Chrysostomus, in *Expositione Symboli*:³⁴ 'omnipotens' dicitur, quia posse illius non potest invenire non posse, dicente Propheta,³⁵ *omnia quaecumque voluit dominus fecit*.

Quarto dicitur 'infinitus comprehensione', quia sicut dicit Damascenus, primo libro, capitulo³⁶ quarto,³⁷ infinitus est deus et incomprehensibilis, et hoc solum ejus est incomprehensibile:³⁸ infinitas et incomprehensibilitas.

Quinto propter summam simplicitatem essentiae dicitur 'infinitus circumscriptione temporis, loci, et cognitionis'.³⁹ Augustinus, *De Anima et Spiritu*:⁴⁰ deus non eget corpore ut sit; nec⁴¹ loco, ut alicubi sit; nec tempore, ut aliquando; nec causa, ut aliunde. Simpliciter ergo dicitur 'infinitus'.

Ad argumentum, dic quod non sequitur, quia cum dicitur 'omne quod ita est hoc, quod non aliud, est finitum' li 'hoc' demonstrat substantiam discretam per individuationem et discretionem individuationis et naturae, vel personae in limitationem. Sed cum dicitur 'deus est ita hoc quod non aliud', pronomen demonstrativum demonstrat substantiam discretam non per limitationem hypostasis vel personae nec per individuationem — ex quo non sequitur quod sit finitus. Deus enim proprie non dicitur 'substantia' a subsistendo accidentibus per modum hypostasis vel individui. Immo res mutabiles proprie dicuntur 'substantiae', sicut ostendit Augustinus, vii libro *De Trinitate*.⁴²

Ex dictis patet solutio omnium quaesitorum.

COMMENTARY

Quodl. XIII, q. 10 has the basic quaestio form: (1) statement of the question, (2) two arguments in favor of the position to be defended, (3) one

³² *om. V.*

³³ *Liber de Causis*, prop. 15; ed. Bardenhewer, 177.

³⁴ John Chrysostom, *Expos. in Ps.* cxxxiv, 2; PG 55, 389.

³⁵ *Ps.* cxxxiv, 6.

³⁶ *om. V.*

³⁷ John Damascene, *De Fide Orth.*, I, 4; tr. Burgundio, 21; PG 94, 808B.

³⁸ *Read* comprehensibile, *but some MSS have* incomprehensibile.

³⁹ cf. John Damascene, *De Fide Orth.*, I, 13; tr. Burgundio, 59; PG 94, 853B.

⁴⁰ *Ps.-Augustine, De Spiritu et Anima*, xv; PL 40, 792.

⁴¹ *in V.*

⁴² Augustinus, *De Trin.*, VII, v, 10; PL 42, 942. See also VII, vi, 11; PL 42, 943-945.

argument against it, (4) response, (5) reply to the opposing argument. It differs from the usual Thomistic form only in that the supporting arguments are placed before the opposing argument.

The first argument in favor of the position to be defended by Gerard is drawn from Anselm: Everything than which a greater can be thought is finite. (For anything to which an addition in some respect can be made must be limited in that respect.) Since God is that than which a greater cannot be thought (in any respect), He is infinite. This argument appears in the *Commentaries on the Sentences* of Albert and Bonaventure in almost identical form.⁴³ A related argument is also to be found in William of Auvergne and Richard Fishacre: No finite multiplication of a created power can make it equal to the power of God. Hence, God's power is infinite.⁴⁴ Neither William nor Richard makes any reference to Anselm, which indicates that their argument is really independent of that author. Gerard's second authority is *Psalms* 144, 3, typically quoted throughout the middle ages in support of divine infinity of almost any type.⁴⁵ Gerard offers no explanation of the text, adding merely 'ergo, etc.'

The *contra* is a rather interesting argument, which I have been unable to find in either Fishacre or Albert, but which appears in Bonaventure and Thomas. In Bonaventure, an analogy is set up between power and essence: Everything that has power over one thing only, so that it does not have power over another, is finite in power. *Pari ratione*, every essence that is one only and, consequently, not another is a finite essence. God's essence is God and nothing else. Therefore,...⁴⁶ In Thomas' *Summa Theologiae*, the argument begins from place: Everything that is such that it is here and not there is limited in place. Hence, everything that is such that it is this and not another is limited in substance. God is this and not another. Therefore,...⁴⁷ In both, as we shall see later, the argument turns on the question whether an essence or substance must be in all other things, if it is to be infinite. Thomas' *De Potentia* contains the following objection to the infinity of the divine power: Everything that is distinct is finite. Since the power of God is distinct from other things,

⁴³ Albert, *In I Sent.*, d. 43C, a. 1, arg. 9; Borgnet, 26, 378a. Bonaventure, *In I Sent.*, d. 43, a. un., q. 2, arg. d; Quaracchi, I, 608b.

⁴⁴ William of Auvergne, II *De Universo*, II, lxxv: (Paris, 1674), I, 915a. Richard Fishacre, *In I Sent.*, d. 2, c. 1, q. 1; ed. Ermatinger (*Mod. Schoolman*, 35 [1957-58], 213-235), 11. 16-19.

⁴⁵ Peter Lombard, for example, holds that the line indicates God's eternity. See *Comm. in Ps.* 144, 3; PL 191, 1263A. It is quite natural that the line should appear continually; for it, see *Ps.* 146, 5, and *Sap.* 7, 14, constitute the only scriptural authority for divine infinity.

⁴⁶ *In I Sent.*, d. 43, a. un., q. 2, obj. 2; Quaracchi, I, 609a.

⁴⁷ I, q. 7, a. 1, obj. 3; Ottawa, I, 36b-37a.

it must be finite.⁴⁸ The replies to this argument and to the objection in Gerard are very similar, as will be shown later. This similarity supports the following interpretation of Gerard's text: Everything that is such that it is this and not another is finite. (For it must differ from that other by some characteristic limiting its substance.) God is not any creature and, therefore, is limited in substance and finite.

Gerard proposes to argue that God is absolutely infinite because He is infinite in seven separate respects: (1) nature, (2) power, (3) operation, (4) comprehension, (5) cognition, (6) place, (7) duration. In fact, he takes up only the first four separately and (like John Damascene) treats the others together.

(1) The first argument contrasts created natures with the divine nature. Quoting Ambrose,⁴⁹ Gerard argues that every creature is contained within certain limits of its nature. He supports this with a gloss on *Genesis* 1, 5, which clearly refers only to *temporal* beginnings and ends. Gerard immediately moves away from these arguments in the second half of the contrast: All finite things are composed of something that ends (form) and what is ended (formable). God, however, is simple in the highest degree and, since He thereby lacks the duality of form and the formable, cannot be finite. Peter Lombard quotes Augustine's opinion that only the divine essence is truly simply because in it alone no diversity, variation, or plurality of parts or accidents can be found. Every creature, as Augustine also says, is mutable because it is compound. Although no creature can be simple, God is in the highest degree simple as identical with what He possesses, according to the same authority. Augustine admits an exception with respect to the relations of the Trinity, but this does not cause a real problem for Gerard, for God is one and simple because the persons, according to Augustine, are undistinguished (*infinitae*) with respect to essence.⁵⁰ Gerard ends the argument at this point, leaving the reader to fill in the conclusion: If God is truly one and in the highest degree simple, He is not composed of an ending and an endable, does not have the consequent limitations of His essence, and hence is infinite in nature.

Divine infinity, for Gerard, follows immediately upon divine simplicity. There is no question at all of its being predicated by extrinsic denomination. In fact, no argument that could leave the infinity of God dependent upon

⁴⁸ q. 1, a. 2, obj. 7; ed. Pession, II, 11a, no. 2.

⁴⁹ The lines from Ambrose are often quoted without attribution. See Henry of Ghent, *Summa*, a. 44, q. 1, resp.; Paris (1520), II, 12^rD.

⁵⁰ Augustine, *De Trin.*, VI, x, 12; PL 42, 932.

anything outside of Himself is even referred to in passing in the demonstrations of the infinity of God's nature. We cannot say here that the argument is necessarily taken from Richard Fishacre's *Sentences*, for (a) although Richard also argues from divine simplicity to divine infinity, the terminology he uses is altogether different,⁵¹ and (b) Gerard may well have known the writings of Bonaventure and Thomas, who also argue from simplicity to infinity.⁵² One or more of these authors may have been the factor that caused Gerard to turn from his traditional attitudes toward the relatively new doctrine of intrinsic divine infinity.

(2) Since God's nature is identical with His power, the latter also must be infinite. But supplementary arguments can be given for the infinity of His power of creating and His power of conserving. According to the so-called "distantia" argument, the distance between being and non-being is infinite, and only an infinite power has the capacity to traverse it. God uses no materials in creation and, therefore, must have the infinite power necessary to bring nothing into being. Gerard has probably borrowed this argument from Richard Fishacre:⁵³

Quantum distant quod fit et ex quo fit, tanta est potentia facientis. Sed cum facerit materiam primam de nihilo, inter factum et id ex quo fit est distantia infinita, sicut inter aliquid et nihil, quae distant sicut affirmatio et negatio. Ergo potentia facientis est infinita.⁵⁴

The argument is clearly one from extrinsic denomination: the extent of the distance between something and nothing, not some intrinsic characteristic of God, necessitates God's infinity. Gerard and Fishacre seem to employ the argument in exactly the same way, i.e. to support the infinity of God's creative power (*virtus creandi*, *potentia facientis*).

A second argument from the *Liber de Causis* is adduced to show that God is infinite in power of conserving: Upon the divine power depend an infinite number of created powers, which are conserved by the "power of powers". Bonaventure uses the same quotation to show that no created power can be infinite in act with respect to production of act.⁵⁵ I have not been able to locate a similar argument in Fishacre, Albert, or Thomas, who, in fact, do not even distinguish between the infinity of creative power and

⁵¹ *In I Sent.*, d. 2, c. 1, sol. q. 3; ed. Ermatinger, 11. 285-334.

⁵² See Bonaventure, *In I Sent.*, d. 43 and Thomas, *In I Sent.*, d. 43, q. 1, a. 1 and *Summa Theol.*, I, q. 7, a. 1, etc.

⁵³ *In I Sent.*, d. 2, c. 1, q. 1; ed. Ermatinger, 11. 10-15.

⁵⁴ *loc. cit.* The argument also appears in Bonaventure, *In I Sent.*, d. 43, a. un., q. 1, arg. d; Quaracchi, I, 605b.

⁵⁵ *In I Sent.*, d. 43, a. un., q. 1, resp.; Quaracchi, I, 606b-607a.

that of conserving power, as both Gerard and Bonaventure do. Can we see in this the influence of Bonaventure on Gerard? It is not possible to make such a claim at this point, for further research into the problem of divine infinity may well lead to the discovery of a common source for both authors. One point is clear: however much Gerard depends on Fishacre for other arguments, he here demonstrates a knowledge of some other thirteenth century teaching on infinity.

(3) God is infinite in operation, because He is able to make whatever He wishes to make. John Chrysostom remarks that this indicates God's omnipotence. The quotation from Chrysostom is used by Bonaventure in an argument for the infinity of the divine power.⁵⁶ But Bonaventure does not argue separately for the infinity of operation, nor does he use the argument in any more definite way.

(4) The argument for the infinity of the divine comprehension is taken from John Damascene. The critical edition of Burgundio's translation of Damascene reads 'et hoc solum ejus est comprehensibile', although some manuscripts have, with Gerard, 'incomprehensibile'. The former is certainly the correct reading: Damascene does not say that God is "infinite in comprehension", but rather that he is both infinite and incomprehensible and that this alone can be understood concerning God. But what is the meaning of 'comprehension' here? In John Damascene, it probably indicates comprehension by the created intellect. Gerard, however, gives another argument for God's lack of circumscription by place, time, and cognition. He may be distinguishing between the impossibility of understanding God and His inability to be bound by the understanding of any intellect, but this distinction is rather obscure and, to my knowledge, does not occur elsewhere.

(5)-(7) Lastly, God is infinite in circumscription by time, place, and cognition. The thought belongs to John Damascene:

Circumscripibile quidem est quod loco vel tempore vel comprehensione comprehenditur; incircumscripibile vero quod nullo horum continetur.⁵⁷

The quotation is used by Bonaventure⁵⁸ and, repeatedly, by Albert,⁵⁹

⁵⁶ *In I Sent.*, d. 43, a. un., q. 1, arg. a; Quaracchi, I, 605b.

⁵⁷ *De Fide Orth.*, I, 13; tr. Burgundio, 59; PG 94, 853B.

⁵⁸ *In I Sent.*, d. 43, a. un., q. 2, resp.; Quaracchi, I, 609b.

⁵⁹ See, for example, *In I Sent.*, d. 1B, a. 15, ad 10; Borgnet, 25, 37a and d. 43C, a. 1, arg. 5; Borgnet 26, 378a.

although it is not found in Fishacre. Gerard does not quote Damascene directly, but rather makes Augustine his authority.

Gerard's reply to the objection states that the argument in opposition only applies to substances that are discrete by individuation or by limitation of hypostases. Now, God is not the subject ("hypostasis", "substantia") of any accidents, which might individuate or limit Him. As Augustine notes, only changeable things are properly called 'substances'. Hence, the objection cannot be applied to God. Bonaventure treats the argument in a different way: There are two ways to compare something to many: (a) by comparison of causality, (b) by comparison of identity. In the first way, God is infinite in power, because His power extends to many. But this does not mean that the divine power is identical with many other powers. Likewise, God's essence is causally in many, but it is not thereby identical with many. From the fact that God can be causally in many and still one in such a way that He is not another by comparison of identity, it follows that His unity and infinity do not conflict.⁶⁰ In replying to a similar objection in the *Prima Pars*, Thomas notes that, since God is subsistent being, which is received in nothing, He is distinct from all other things and infinite. Again, if there were a subsistent whiteness, that whiteness would not be received in anything, but would remain distinct from every white thing. God's being can be infinite precisely because it is not received being. Hence, He is not made finite by not being in other things.⁶¹ In the *De Potentia*, Thomas argues that, although anything that is distinct from another thing by something superadded must be finite, inasmuch as it is determined with respect to that something, God is *per se* distinct from all other things just by having nothing superadded to His essence. Hence, God can be infinite and yet distinct from everything else.⁶²

The first two replies do not seem to be similar to Gerard's response. Thomas's second reply is very like that of Gerard: Both seem to depend upon distinguishing the way in which God is distinct from other things from the individuation by accidental characteristics, by which one creature differs from another. For both, accidents would imply limitation and finitude in God. God is, therefore, discrete in a manner that does not conflict with His infinity. However similar the two arguments seem, they are stated in very different terms and are probably independent of one another.

⁶⁰ *In I Sent.*, d. 43, a. un., q. 2, ad 2; Quaracchi, I, 610b.

⁶¹ q. 7, a. 1, ad 3; Ottawa, I, 37b.

⁶² q. 1, a. 2, ad 7; ed. Pession, II, 12b, no. 2.

The reply to the objection brings us back within the sphere of the infinity of the divine nature. Gerard devotes a large part of his response to proving that the divine nature is infinite intrinsically, because it is absolutely simple. He may have taken the view from Richard Fishacre or from one of his contemporaries at Paris. The divine power is infinite as identical with the intrinsically infinite divine nature, but Gerard also knows arguments that show the infinity of God's power of creating and conserving by extrinsic denomination. The first of these comes from Richard Fishacre, while the source of the second has not yet been identified. Arguments from authority are used in the short demonstrations of divine infinity by extrinsic denomination with respect to operation (Chrysostom), comprehension (Damascene), and circumscription by place, time, and cognition (Augustine). The fact that these arguments are very brief tends to indicate that Gerard, like most of his contemporaries, regards the demonstrations of God's intrinsic infinity and the proofs for the infinity of the divine power from extrinsic denomination as most important.

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Judgment and Truth in Aquinas

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I

IT is well enough known that on a number of occasions St Thomas Aquinas speaks of a sense judgment. This has seemed a scandal to some commentators. It has been explained away by saying that really it is not a judgment at all, in the proper sense of the word.¹ Yet the ancestry of the term in this setting seems unquestionable. *Krisis* (judgment) and its derivatives are used by Aristotle just as readily and just as easily for sense judgments as they are for intellectual judgments.² In application to animals "this at least is an obvious characteristic of all animals, for they possess a congenital discriminative capacity which is called sense-perception" (*APo.* II 19, 99b34-35; Oxford tr.). "Discriminative" translates *κριτική*. The same use of the adjective may be seen in *De Sensu*, where the sense of taste would have to possess "the most perfect power of discerning figures in general" (4, 442b17; Oxford tr.) if it could "discern the common sensibles" better than sight. The verb "to judge" (*κρίνειν*) is similarly used: "Each sense... discriminates the differences which exist within the group; e.g. sight discriminates white and black, taste sweet and bitter, and so in all cases. Since we also discriminate white from sweet... It must be by sense" (*De An.* III 2, 426b8-15; Oxford tr.). The verb continues to be applied in the same way at b17 and b23. Pleasure in food is judged by animals, at *PA* IV 5, 678b8-9. Likewise the noun is used for the sense of touch,³ and (*EN* III 10, 1118a27-28) the judgment about flavors is attributed to taste.

¹ "... selon St Thomas, le jugement au sens strict est toujours une opération de l'intelligence. Cependant il nous parle souvent d'un 'judicium sensus'; mais ce n'est jamais un jugement véritable, au sens propre. ... Ce n'est pas un jugement au sens propre du terme. Nous avons vu plus haut que le jugement a rapport à l'esse, ..." P. Hoenen, *La Théorie du Jugement d'après St Thomas d'Aquin* (Rome, 1946), p. 250. There is an English translation, Peter Hoenen, *Reality and Judgment according to St Thomas*, tr. Henry F. Tiblier (Chicago, 1952), 210.

² See Bonitz, *Ind. Arist.*, 409a57-b8; b38-45; 410a31-36. As Latin translation, Aquinas uses both *discernere* and *judicare*, in *III de An.*, lect. 3, Pirotta nos. 603-604.

³ *Ph.* IV 8, 216b19-20. On the text, see W. D. Ross, *ad loc.* The passage was in Averroes, and was commented upon by St Thomas with the translation *discernere* at *In IV Phys.*, lect. 13, Angeli-Pirotta no. 1047.

The lineage of the notion "sense judgment" is accordingly above suspicion. But can it have the same philosophical meaning in the Thomistic context that intellectual judgment has? It will have to mean an apprehension of existence, or cognition of existence, if it is to satisfy the requirements of the Thomistic notion of judgment. Judgment consists in "the cognitive power's apprehension proportionate to the thing's existence."⁴ It means in this sense the cognitive grasp of existence. Do the sensory powers grasp the existence of sensible things?

A negative reply is at least strongly suggested by the commentator already mentioned.⁵ But a little reflection on Aquinas' overall doctrine of existence and nature should make one hesitant about accepting too easily the negative answer. A nature apart from existence cannot be grasped by any cognitive power. It is neither singular nor plural, neither existent nor non-existent.⁶ It is merely a consideration, the absolute consideration of the nature apart from either real or cognitional or divine existence.⁷ It is a conclusion reached from a comparison of the same thing in both real and cognitional existence, and the inference that the thing's nature abstracts from all existence if it is able to enjoy the two ways of existing. The nature in its absolute consideration, or the common nature as common, can therefore be reasoned to, but it cannot be intuited or grasped immediately by any cognitive power. The object of any immediate cognition is something actuated by existence, real existence in the case of an object external to the world of cognition, and cognitional existence if it is something within the cognitional world. But in no case can anything be intuited without its existence being thereby grasped by the cognitive power.

This means that every act of sensation grasps both thing and existence. It could not be aware of one without the other. Its object necessarily includes both. It cannot of course separate one from the other. It cannot represent them as distinct objects, as in the intellect's abstraction.⁸ But

⁴ *In I Sent.*, d. 19, q. 5, a. 2, Solut.; ed. Mandonnet, I, 491. Cf. *ibid.*, a. 1, ad 7m (I, 489), where the second operation of the intellect is characterized as bearing upon existence: "secunda respicit esse ipsius." See also *In Boeth. de Trin.*, V, 3c; ed. Decker, 182.9-13.

⁵ *Supra*, n. 1. Cf.: "Le sens ne peut donc pas atteindre la 'ratio entis' et c'est pourquoi il ne peut attribuer l'esse; il ne peut juger au sens strict." Hoenen, p. 251.

⁶ See *De Ente*, c. III; ed. Roland-Gosselin, pp. 24.1-27.6.

⁷ *Ibid.*, p. 26.8-10. Cf. *Quodl.*, VIII, 1.

⁸ The "ratio entis" (*supra*, n. 5) would be a distinct object. Since the external senses do not express a species (*Quodl.*, V, 9, ad 2m), they are unable to represent separately the different aspects that do not appear separately in the thing. But even the internal senses that do express species, such as the imagination, cannot abstract aspects that are not sensibly distinct, such

it does grasp both from the start. In a word, its object is a composite of thing and existence, an object that could not present itself to sensation except under both aspects.

The issue here at stake is of crucial importance for the Thomistic noetic. Sense experience is the origin of all further human cognition. This Aristotelian epistemological principle holds equally well for St Thomas in regard to all naturally acquired knowledge. If the real existence of things were not grasped from the start in all sensible cognition, it could not be grasped at all in the natural course of human cognition. Since in its origins this cognition means becoming and being another thing intentionally, the existence later represented as a distinct object in intellection can be none other than the existence grasped concretely in sensation. All sensation, accordingly, apprehends the existence in its object. The existence is actuating its object, and is grasped as exercising this function. In this way it is apprehended⁹ by the sense.

That the issue is timely may be seen from the efforts of transcendental Thomism to require an apriori for the Thomistic noetic, even in regard to a judgment about sensible existence, e.g.: "However, the formal structure of this judgment — and with more reason the structure and the content of universal judgments and especially of metaphysical judgments — cannot be grounded in the evidence of sense perception."¹⁰

It is hard to see how this interpretation does not give a formal and therefore an actual structure to the human intellect in its role of a cognitive power. In the Aristotelian tradition all intelligible content is located in the form, in marked difference from the Kantian notion of form as empty. Matter as matter is unknowable, from the Aristotelian viewpoint. Apriori structure would accordingly mean knowable content, against this background. St Thomas himself seems rather to acquiesce in the Aristotelian conception implying that nothing whatsoever of the objects known lies in a prior constitution of the intellect. As compared by Aristotle (*De An.* III 4, 429b30-430a2) to a blank writing tablet the intellect can hardly be interpreted as already having any of the structure of what

as nature and existence. Abstraction belongs to the intellectual level, e.g. "abstrahendo enim formam circuli ab aere, remanet seorsum in intellectu nostro et intellectus circuli et intellectus aeris" (*ST*, I, 40, 3c); "ea vero, quae sunt in sensibilibus, abstrahit intellectus, non quidem intelligens ea esse separata, sed separatim vel seorsum ea intelligens" (*In III de An.*, lect. 12, no. 782).

⁹ "... in sensu ex hoc quod apprehendit vel iudicat res aliter quam sint" — *ST*, I, 17, 2c; "apprehensum per sensum vel imaginationem vel intellectum" — *CG*, II, 47, Item. Cf. below, nn. 13 and 15.

¹⁰ Karl Rahner, "Aquinas: The Nature of Truth," *Continuum*, 2 (1964), 65.

is to be traced upon it. At any rate, the interpretation of St Thomas emphasized the purely potential nature of the intellect in regard to its objects:

Intellectus ... nihil est actu eorum antequam intelligat. Oportet autem hoc sic esse, sicut contingit in tabula, in qua nihil est actu scriptum, sed plura possunt in ea scribi. Et hoc etiam accidit intellectui possibili, quia nihil intelligibilium est in eo actu, sed potentia tantum (*In III de An.*, lect. 9, Pirotta no. 722).

Even the agent intellect seems to lack for him any formal structure, for it has no determination of its own in respect of the objects known:

Est enim intellectus possibilis in potentia ad intelligibilia, sicut indeterminatum ad determinatum. ... Quantum autem ad hoc, intellectus agens non est in actu. Si enim intellectus agens haberet in se determinationem omnium intelligibilium, non indigeret intellectus possibilis phantasmatis, ... (*ibid.*, lect. 10, nos. 738-739).

All cognitional determination seems to come originally from the sensible thing for St Thomas, quite in accord with the Aristotelian tenet that the form of the sensible thing is its intelligible content and in this perspective its intelligible determination. How, then, is the *a priori* assigned to the Thomistic epistemology, and in what does it consist? The article just quoted goes on to explain: "St. Thomas does not see such a principle, in the line of Plato, Plotinus, Augustine, Bonaventure, Malebranche, in an objective *a priori*,... but in the line of Aristotle, Kant, and Hegel, he sees it in a formal *a priori* of the spontaneous spirit itself. ... its basis, speaking in the manner of St Thomas, is the light of the intelligence itself, which informs, objectifies, conceptualizes, and judges the data from sense cognition."¹¹ The light of the intelligence, which in the texts just quoted from St Thomas is described as lacking all cognitional determination, is seen as the basis of a formal *a priori*. It seems accordingly understood as the basis for the formal structure given the object. How this can be reconciled with the conception of the intellect as merely potential in regard to the determination it has when actually knowing, seems impossible to understand. The intellect universalizes and synthesizes, but all the determination seems to come originally from the common nature and existential synthesis already present in the sensible thing itself.

However, these are questions far wider than the scope of the present article. They do show the importance of understanding correctly what

¹¹ Rahner, 65. "... for St Thomas... the transcendental 'a priori' of the spirit (the light of the agent intellect)" — 62. Cf. "This light is the *a priori* form under which the spontaneity of the spirit perceives the material sensible" — 67.

St Thomas understands by a sense judgment. If in the object of sense judgment the structure subsequently seen in intellection is already present, there should be no reason for claiming that the formal structure of intellectual judgment "cannot be grounded in the evidence of sense perception" and in the real structure of the sensible existent itself.

One difficulty here of course in this technical use of the word "judgment" to mean the apprehension of existence. It is not an ordinary language use of the term. The technical meaning here is an awareness or knowledge or understanding that a thing exists.¹² Apprehension by the senses gives the awareness that the sensible thing exists either really or cognitively. Sense apprehension accordingly comes under the meaning of the word "judgment" in this technical Thomistic signification. It makes one aware that the sensible object exists.¹³ It makes the sentient subject become and be cognitively the composite of thing and existence, the composite of the two factors by which any sensible object is constituted. While sense cognition does not represent the two in separate concepts, as intellection does in the concepts of universalized nature and existential actuality, it brings into the cognitive agent's awareness an object that is already structured through an existential synthesis. This structure is what informs the intellect in the intellect's act of judgment.

With these considerations in regard to the bearing of the question and issues at stake, one may approach the texts themselves in which the "sense judgment" is discussed or at least mentioned by Aquinas. The texts have been gathered and reproduced before,¹⁴ and there is no need to transcribe them all again. For present purposes the ones that have immediate bearing upon the above issues should provide the required enlightenment.

II

Perhaps the first point demanding clarification is the distinction between the passive role of the sense in receiving its impressed species from the

¹² On this point, see my discussions in *An Elementary Christian Metaphysics* (Milwaukee, 1963), 45-56; 249-257; and in *An Interpretation of Existence* (Milwaukee, 1968), 14-43.

¹³ "... sensus... veram apprehensionem habet de sensibilibus, ut supra dictum est. Quod quidem contingit eo quod apprehendit res ut sunt." *ST*, I, 17, 2c.

¹⁴ Hoenen, 250; Hayen, 144-146. The notion may be found elsewhere without the exact expression, e.g. "ex quo iterum consequitur esse omnia per essentiam unum; quod et sensui contradicit" (*In II Sent.*, d. 17, q. 1, a. 1, Solut.; II, 413); "Sic enim se habet intellectus ad iudicandum de huiusmodi, sicut sensus ad iudicandum de sensibilibus communibus vel per accedens" (*ST*, I, 17, 3c).

sensible thing, and its role as an agent informed by this species and thereby able to perform its characteristic activity of sensation:

Sensus autem exteriores suscipiunt tantum a rebus per modum patiendi, sine hoc quod aliquid cooperentur ad sui formationem; quamvis iam formati habeant propriam operationem, quae est iudicium de propriis obiectis (*Quodl.*, VIII, 2, 3c).

The external senses have their own activity, but to exercise it they have to be informed, in an entirely passive way, by the activity of the external things. So informed, they issue into their "judgment about their proper objects."

Against the background of Aquinas' overall doctrine of cognition, the meaning of this text should be clear enough. The whole cognitional content is impressed upon the senses without their contributing anything to it. The form so given it enables the sentient subject to become the sensible thing intentionally. No formal element or structure or any content whatsoever is added by the sense. As the sensible awareness includes the awareness that the sensible object exists, no reason emerges for refusing the term "judgment" to this awareness, once "judgment" is understood in the technical sense of an apprehension that something exists. In contrast to the passive reception of the species, from without, the activity in which the awareness consists is an activity of the cognitive agent. In this sense it is just as much from within as is the intellectual judgment, in which "*quamvis autem receptio sit ab exteriori, iudicium tamen ab interiori procedit*" (*De Ver.*, XX, 1, arg. 4).

The point established, then, is that for St Thomas cognitive action is entirely from within, even though its cognitional content and formal structure are received passively from without through the species (*formatio*) impressed upon the sentient power. With agreement on this, one can go on to consider texts from the article in the *De Veritate* in which the most frequent mention of sense judgment occurs. In the article a distinction is made between two aspects of sense cognition that parallel respectively the two acts of conceptualization and judgment in intellectual awareness:

In intellectu autem primo et principaliter inveniuntur falsitas et veritas in iudicio componentis et dividētis; sed in formatione quidditatum non nisi per ordinem ad iudicium quod ex formatione praedicta consequitur; unde et in sensu proprie veritas et falsitas dicitur secundum hoc quod iudicat de sensibilibus; sed secundum hoc quod sensibile apprehendit, non est ibi veritas et falsitas proprie, sed solum secundum ordinem ad iudicium quod ex formatione praedicta consequitur; prout scilicet ex apprehensione talis natus est sequi tale iudicium (*De Ver.*, I, 11c).

The article as a whole is dealing with the problem of falsity in sensation.

Just as in intellection truth and falsity pertain to the judgment, and not to conceptualization except insofar as a judgment springs from the conceptualizing, so in sensation truth and falsity apply to the sense judgment about sensible things. From the viewpoint of the mere apprehension of the sensible thing there is properly no truth or falsehood, but only in relation to the judgment that naturally follows from this apprehension.

The text is by no means easy to understand. The use of the term "apprehension" calls for a bit of study. A judgment, in the sense of an awareness of existence, comes under the general notion of apprehension for St Thomas.¹⁵ But on occasion "apprehension" may be contrasted with "judgment" and used for merely quidditative as opposed to existential cognition, quite as in the later and finally established Scholastic contrast between "simple apprehension" and judgment. In the present text it is clearly used in this way.

A second difficulty arises from the expression *formatio quidditatum*. In expressing the species in which it knows the quiddities of things, the human intellect gives them separate cognitional existence. The judgment that they so exist arises spontaneously from and accompanies this *formatio*. Is that the judgment to which the text refers? The context seems to require something more. The lines immediately preceding the above quotation direct it rather to external things: "Si autem consideretur sensus secundum quod comparatur ad res, tunc in sensu est falsitas et veritas per modum quo est in intellectu." The *res* had just been contrasted with the sense's own disposition. The meaning seems accordingly to go further and involve existential implications in any *formatio* of a quiddity, not only in regard to its cognitional existence but also in regard to the real existence in the thing from which it is abstracted. In the intellect the grasp of the existence will be a distinct act that necessarily accompanies, and in this sense arises from, the *formatio* of the quiddity, just as I cannot intellectually apprehend the desk in front of me without thereby knowing that it really exists. In regard to sense cognition a corresponding grasp of existence arises naturally from the awareness of the object as a thing, and is correspondingly named a judgment.

There is no need, therefore, to see in this passage a loose use of terms.¹⁶

¹⁵ E.g., "in esse rei, et in apprehensione virtutis cognoscitivae proportionata ad esse rei" (*In I Sent.*, d. 19, q. 5, a. 2, Solut.; I, 491); "Sed intellectus noster, cujus cognitio a rebus oritur, quae esse compositum habent, non apprehendit illud esse nisi componendo et dividendo" (d. 38, q. 1, a. 3, ad 2m; I, 904). See also *ST*, II-II, 83, 1, arg. 3. The more general notion of apprehension soon came to be restricted to the "first operation" by the addition of the adjective *simplex*, e.g., in Henry of Ghent, just as in the more common expression *simplex notitia*.

¹⁶ "Mais on observera que toutes les expressions ne doivent pas être prises en rigueur." Hayen, 145.

Their application seems as firm and definite here as anywhere in Aquinas. The use of "apprehension" in its restricted application to the quidditative order seems sufficiently explained by making *apprehensione tali* bear expressly upon the *formatio*. Once the general use of the terms by St Thomas has been studied the passage may still remain difficult, but its use of the terms is seen to be technical and clearcut.

The passage goes on immediately to distinguish the areas in which the sense judgment is always true from those in which it may be false:

Sensus autem iudicium de quibusdam est naturale, sicut de propriis sensibilibus; de quibusdam autem quasi per quamdam collationem, quam facit in homine vis cogitativa, quae est potentia sensitivae partis, loco cuius in aliis animalibus est existimatio naturalis; et sic iudicat vis sensitiva de sensibilibus communibus et de sensibilibus per accidens. ... unde sensus iudicium de sensibilibus propriis semper est verum, nisi sit impedimento in organo vel in medio; sed in sensibilibus communibus et per accidens interdum iudicium sensus fallitur (*ibid.*).

As the *sensus communis* does not express a species in its cognitive act, it may be placed with the external senses as regards the truth of its judgment. The term has a different meaning when Aristotle (*De An.* III, 1, 425a27; cf. *Sens.* 4, 442b4-13) uses it to refer to the capability common to the external senses for grasping the common sensibles. Accordingly "the object of the common sense is not the common sensibles, *communia sensibilia*."¹⁷ To occasion falsehood as envisaged in the above text the bringing together (*collatio*) of different objects by the instinctive powers is required. The terms therefore are not being used loosely.¹⁸

This text of the *De Veritate* is accordingly clear enough. Against its background the statements about the certainty or falsity of sense judgments in later Thomistic works can be readily understood. Sense apprehension extends to existence and thereby is open to truth and falsity:

Quod quidem contingit eo quod apprehendit res ut sunt. Unde contingit falsitatem esse in sensu ex hoc quod apprehendit vel iudicat res aliter quam sint (*ST*, I, 17, 2c).

That one thing *is* not another is apprehended by the judgment. This existential actuality is attained by the senses and is described under the alternate term for judging, namely "discerning":

¹⁷ B. J. Muller-Thym, "The Common Sense, Perfection of the Order of Pure Sensibility," *The Thomist* 2 (1940), 321.

¹⁸ This seems the only instance given by Hayen, 145, to justify interpretation in a loose sense. *Apprehensio* is recognized (*ibid.*) as a term used synonymously here with *formatio*, and therefore distinguished here from *iudicium*. It can hardly be regarded as an instance of loose application of terms.

Dicendum quod sensus proprius iudicat de sensibili proprio, discernendo ipsum ab aliis quae cadunt sub eodem sensu, sicut discernendo album a nigro vel a viridi. Sed discernere album a dulci non potest neque visus neque gustus; quia oportet quod qui inter aliqua discernit, utrumque cognoscat. Unde oportet ad sensum communem pertinere discretionis iudicium ad quem referantur, sicut ad communem terminum, omnes apprehensiones sensuum (*ST*, I, 78, 4, ad 2m).

The two aspects of awareness of a thing (*cognoscat*) and judgment that it is not something else (*discernit*) continue therefore to be distinguished in the *Summa Theologiae*.

The certainty of sense judgments regarding their own sensibles is likewise repeated: "Unusquisque autem horum sensuum iudicat de propriis sensibilibus, et non decipitur in eis" (*In II de An.*, lect. 13, no. 384). Conversely, their admitted openness to error is used to bolster the views of Democritus: "Iudicium autem sensus non est certum, cum non semper eodem modo iudicet" (*In IV Metaph.*, lect. 11, Cathala-Spiazzi no. 670). Degrees of truth in sense judgments are noted: "Et propter hoc verius est iudicium sensus de coloribus sensibilibus in propinquo quam in remoto."¹⁹

These texts imply clearly enough that for Aquinas the variable sense judgments bear upon external and distant things. How is this possible? The answer seems to lie in the work of the instinctive powers as outlined in the above text from *De Veritate* (I, 11c). The sheep presumably judges that the wolf in the distance is a predator, the fish that the artificial fly on the hook is food. This should serve to explain an early text in which the denial of efficient causality to creatures is said to destroy a sense judgment — "destruit iudicium sensus" (*In II Sent.*, d. 1, q. 1, a. 4, Solut.; ed. Mandonnet, II, 24). The examples given are that with this denial of efficient causality fire does not give out heat nor is the hand in motion — "nec manus movetur." The latter phrase seems clearly enough to be using the verb *movere* in a passive reflexive meaning, a use that is permissible. In the context it means clearly that God would be causing the motion of the hand, and that the hand itself would not be causing its own movement. The sentence is elliptic, but understandable with the notion of the hand as something living, and life as self-motion. The awareness of bodily self-motion is through kinesthetic sensations and internal sensation. In this restricted scope the sense judgment about the self-

¹⁹ *In IV Metaph.*, lect. 14, no. 695. Cf. "Et ideo visus certius et perfectius iudicat de sensibilibus inter alios sensus." *In I Metaph.*, lect. 1, no. 6. The statement "Tactus enim iudicat quod ignis calidus est, non tamen apprehendit propter quid" (*ibid.*, no. 30) compares sense judgment with the expertise of experienced persons who do not know the cause of the event.

motion may be certain, and a definite refutation of Occasionalism. But this would not apply to the other example, fire giving out heat. The work of the instinctive powers for the assurance that the tree grows, the horse gallops, the fire burns, seems necessary to explain the sense judgment here. The judgment accordingly may be wrong. St Thomas is not faced with the Humean problem. But in the general setting of his notions regarding the variable sense judgment, there is nothing that runs counter to the facts to which Hume drew attention.

What conclusions are to be drawn from these texts on sense judgment? They seem to be clear enough in maintaining that both sensation and intellection are somehow structured in a parallel way, in regard to the apprehension of existence: "... sensus et intellectus non solum recipiunt formas rerum, sed etiam habent judicare" (*In De Sensu et Sensato*, lect. 19; ed. Parma, XX, 196a). Both judge that the object is what it is and that it is not something else. Both give awareness that the object is a thing and that it exists. To this extent both have quidditative and existential aspects in the way in which they are the cognition of an object. Sensation of course does not abstract or universalize its object. Its object is always individual. There is no question of its knowing the *ratio entis* or any other *ratio* as something abstract.

Real existence is always individual. Sensation judges it just that way, as individual. Sensation cannot represent existence in any abstract concept or in any way separate it cognitively from the thing it actuates. But it does give awareness of the totality of an entitative composite, a composite of existence and thing. It cannot grasp the thing in any other way. Its object is the concrete existent. In that object there are the quidditative and the existential factors. As impressed passively on the sentient power both those aspects enter into the actuation of the faculty, which remains in an entirely potential role in receiving the quidditatively and existentially structured object. The sense faculty accordingly contributes nothing to the content or structure of the object sensed. It does not provide any basis for an apriori element in sense cognition, as it issues into the actual awareness of the sensible thing.

III

In sensation, accordingly, the human cognitive agent becomes and is cognitively the whole sensible thing, insofar as the singular sensible object is already provided with a common nature and with an existential structure. The cognitive agent furnishes neither of these aspects. In becoming the object more deeply and on a more manageable level, the intellect first grasps it under the widest aspect of all, that of a being:

Primum enim quod cadit in imaginatione intellectus, est ens, sine quo nihil potest apprehendi ab intellectu; sicut primum quod cadit in credulitate intellectus, sunt dignitates, et praecipue ista, contradictoria non esse simul vera (*In I Sent.*, d. 8, q. 1, a. 3, Solut.; I, 200).

In the "image-forming" or "picture-forming" of the intellect, the most basic picture or image through which the awareness of the object takes place is the representation of it as a being. Without the basic representation of the object as a being, nothing can be apprehended by the intellect.²⁰ This means quite plainly that the existent thing, the whole composite of thing and existence, is what is grasped by the intellect in its conceptualizing activity. No conceptual image or picture could be formed of the nature in its absolute consideration, for no such nature ever presents itself directly for apprehension. Only an existent thing, a being, can be conceptualized as an object in itself by the intellect. Only a being can find a place in the immediate "image-forming" of the mind.²¹

The point is illustrated by a corresponding order in belief. Most basic in the intellect's belief are the axioms, and notably the first principle of demonstration, the principle that contradictories cannot simultaneously be true. This of course is the principle that immediately follows upon a thing's being. The thing cannot both be and not be in the same respect. Being contradicts non-being. That is its character. The first principle of demonstration is accordingly the intellect's most fundamental belief.

All this is intelligible enough, in spite of the technical terminology taken from the Arabians and the Greeks. In the epistemological order, the basic object of human conceptualization is a being. In the logical order, the fundamental principle is the principle now called the principle of contradiction. Further on in the commentary on the *Sentences*, the penetration becomes sharper and more complicated:

... cum sit duplex operatio intellectus una quarum dicitur a quibusdam imaginatio intellectus, quam Philosophus, III *De anima* nominat intelligentiam indivisibilem, quae consistit in apprehensione quidditatis simplicis, quae alio etiam nomine formatio dicitur; alia est quam dicunt fidem, quae consistit in compositione vel divisione propositionis: prima operatio respicit quidditatem rei; secunda respicit esse ipsius (*In I Sent.*, d. 19, q. 5, a. 1, ad 7m; I, 489).

²⁰ *De Ente*, Proem.; *De Ver.*, I, 1c; *In IV Metaph.*, lect. 6, no. 605.

²¹ On the expression *imaginatio per intellectum*, see the Latin Averroes, *In XII Metaph.*, comm. 37 (ed. Venice, 1574), fol. 319r2 and v1; *Comm. Magnum in De An.*, ed. F. S. Crawford (Cambridge, Mass., 1953), pp. 6.18-19; 89.23-26; 449.179; and on the Greek equivalents of *formatio*, see Index in Crawford, p. 567, and for instances, pp. 380.38-40, 381.16-17, 449.179-182. Cf. St Thomas: "Et haec operatio a quibusdam dicitur informatio intellectus sive imaginatio per intellectum." *In I Post. Anal.*, Proem., Spiazzi no. 4.

This text occurs in a discussion on the nature of truth. It is explaining the activity of the human intellect as the required means for understanding what truth is. Its interest consequently coincides with the aim of the present investigation. However, it still does not use the technical term "judgment." Rather, "belief" continues to appear, and the Arabian notion rendered by the term "*imaginatio intellectus*" is presented as a synonym of another term of similar origin, *formatio*. The deeper penetration occasioned by the study of truth, though, focuses attention on the twofold activity (*duplex operatio*) of the intellect. Whereas in sensation both the thing and its existence were grasped together in a single cognitive activity, in intellection they are also grasped together, but in double activity. One intellectual activity consists in the grasp of the simple quiddity, the other consists in the composition or division of the proposition. The first activity, accordingly, bears upon the thing's quiddity, the second upon its existence.

What does this mean? Certainly the order of first and second in the two kinds of activity is not temporal. What is grasped first of all, as just seen, is a being. This is a composite of thing and existence. Only in function of it can anything, including quiddity and existence, be known. The two are therefore grasped simultaneously, from the temporal viewpoint. The order of first and second quite obviously comes from logic, in which the simple terms are regarded as primary and the proposition as something subsequent and including the terms as parts. The reference in the text to the composition or division of the proposition points convincingly enough to this logical background. From the Thomistic metaphysical viewpoint the priority of existence to thing might suggest a priority of judgment over conceptualization, but the priority will not in any way be temporal. The two will always be grasped simultaneously.

The activity that bears upon the thing's being or existence is described as consisting in the composition or division of the proposition. It is accordingly viewed as a synthesizing activity, in contrast to the grasp of a simple object like a quiddity. This seems to imply a complex structure in the object corresponding to the structure of the proposition. Later, in dealing with the divine knowledge of these complex objects (*complexorum vel enuntiabilium* — arg. 1, p. 902), the commentary makes this explicit:

Cum in re duo sint, quidditas rei, et esse ejus, his duobus respondet duplex operatio intellectus. Una quae dicitur a philosophis *formatio*, qua apprehendit quidditates rerum, quae etiam a Philosopho, in III *De anima*, dicitur *indivisibilium intelligentia*. Alia autem comprehendit esse rei, componendo affirmationem, quia etiam esse rei ex materia et forma compositae, a qua cognitionem accipit, consistit in quadam compositione formae ad materiam, vel accidentis ad subjectum (*In I Sent.*, d. 38, q. 1, a. 3, Solut.; I, 903).

Because there are the two factors, quiddity and existence, in the thing itself, there are the two corresponding activities in the intellect. The structure of the sensible thing, accordingly, is given as the reason for the twofold intellectual activity. All reads as though nothing of the structure in the object known is traceable ultimately to the intellect. No room seems allowed for an apriori arising from it to aid in structuring the object. The reason why the activity that grasps the thing's existence has to do so by composing an affirmative assertion is that the existence of a thing composed of matter and form *consists in* the composition of form and matter or of accident and subject. Since the material thing is the source of the intellect's cognition, it seems clearly represented as providing the whole structure of the object known to the intellect, the structure that is mirrored in the synthesizing activity of the intellect's grasp of existence.

Later writings of Aquinas repeat this view.²² Perhaps the addition most worthy of note for present purposes is the inclusion of the composition of a specific differentia's nature with the generic as similarly the cause of the corresponding composition in the intellectual activity:

Et ideo, si talis operatio intellectus ad rem debeat reduci sicut ad causam, oportet quod in compositis substantiis ipsa compositio formae ad materiam, aut eius quod se habet per modum formae et materiae, vel etiam compositio accidentis ad subiectum, respondeat quasi fundamentum et causa veritatis, compositioni, quam intellectus interius format et exprimit voce. Sicut cum dico, Socrates est homo, veritas huius enunciationis causatur ex compositione formae humanae ad materiam individualement, per quam Socrates est hic homo : et cum dico, homo est albus, causa veritatis est compositio albedinis ad subiectum: et similiter est in aliis (*In IX Metaph.*, lect. 11, no. 1898).

Just as in the commentary on the *Sentences* the composition of form with matter and accident with subject was presented as the cause of the composition in the intellect's activity, so here these compositions in the thing are offered as the foundation and cause of the truth in the composition formed in the intellect. No apriori seems required as a contribution. But the composition of "that which is related in the manner of form and matter" is added. What can this mean? Earlier in the commentary on the *Metaphysics* the relation of a specific differentia's nature to the generic nature had been described in that manner:

²² "Secunda vero operatio respicit ipsum esse rei, quod quidem resultat ex congregatione principiorum rei in compositis vel ipsam simplicem naturam rei concomitatur, ut in substantiis simplicibus. Et quia veritas intellectus est ex hoc quod conformatur rei... *In Boeth. de Trin.*, V, 3c; ed. Decker, p. 182.9-12. "... significatum eius, quod est esse vel non esse, quod est naturaliter prius enunciatione." *In I Periherm.*, lect. 8, Spiazzi no. 108. "Sed esse compositorum surgit ex componentibus... Verum autem consequitur ens. "*In IX Metaph.*, lect. 11, no. 1903; see also *ibid.*, nos. 1896-1902. Cf. texts above n. 15.

Licet enim genus praedicabile non sit materia, sumitur tamen a materia, sicut differentia a forma. Dicitur enim aliquid animal ex eo quod habet naturam sensitivam. Rationale vero ex eo, quod habet rationalem naturam, quae se habet ad sensitivam sicut forma ad materiam (*In V Metaph.*, lect. 22, no. 1123).

The composition between these abstract natures is accordingly looked upon by Aquinas as a composition after the manner of form and matter in physical composites. It can therefore be ranged under the existential compositions that correspond to the composition found in the intellectual synthesizing, and that are the ground and cause of the latter's truth. This should mean that a definition like "rational animal" depends upon an existential synthesis for whatever truth it may claim. In the commentary on the *Sentences* this point had been noted:

Et quia ratio veritatis fundatur in esse, et non in quidditate, ut dictum est, ideo veritas et falsitas proprie invenitur in secunda operatione, et in signo ejus quod est enuntiatio, et non in prima, vel signo ejus quod est definitio, nisi secundum quid; sicut etiam quidditatis esse est quoddam esse rationis, et secundum istud esse dicitur veritas in prima operatione intellectus per quem etiam modum dicitur definitio vera (*In I Sent.*, d. 19, q. 5, a. 1, ad 7m; I, 489).

This reasoning presupposes that cognitional existence is a synthesis that can ground and cause truth in the judgment that corresponds to it, just as much as does real existence. The tenet had just been stated explicitly:

... de eo quod nullo modo est, non potest aliquid enuntiari; ad minus enim oportet quod illud de quo aliquid enuntiatur, sit apprehensum; et ita habet aliquod esse ad minus in intellectu apprehendente; et ita constat quod semper veritati respondet aliquod esse; nec oportet quod semper respondeat sibi esse in re extra animam, cum ratio veritatis compleatur in ratione animae (*ibid.*, ad 5m).

Accordingly the "second operation" of the intellect, the judgment, is always an apprehension or knowing of existence. More exactly, it is the intellective grasp of the thing from the side of the thing's existence. It is a synthesizing grasp of a synthesizing actuality already present in the object. The structure in the object is the ground and cause of the corresponding structure in the intellectual activity, and is therefore the ground and cause of its truth. This brings the discussion to the problem of truth.

The point already established, however, is that the sensible thing contains the structure that is mirrored and known in intellection. The sensible thing is composed of nature and existence. In it the physical matter and form, and the specific and generic natures, are synthesized into a

whole by the existence. The natures are common, but synthesized by real existence into an individual. But because they are already common, they are universals when given cognitional existence in the intellect's grasp of quiddities. No apriori structure of the intellect is necessary for this, since the natures are of themselves common. When they receive existence in the intellect instead of in individuating matter they have their proper existence as quiddities. Freed from the individuating matter, they are thereby universal in regard to all their instances. The nature itself, not the intellect, is the basic ground for this universality. The intellect merely gives the nature an existence in which its common aspect reigns. By that very fact, and not by any apriori structure in the intellect, the nature becomes a universal. Correspondingly, because the existential synthesizing is already present in the real or cognitional object, it is mirrored in the synthesizing structure of the judgment.

IV

The act of judgment, then, is an act of apprehending or knowing. But like any cognitive act, it has a form. The use of the term *formatio* has already been noted for the impression of the form or species of the sensible thing upon the sentient power. Determination by this form enables the sentient power to issue into the sensation of the determined sensible thing. The term was likewise used for the conceptualization by which the intellect grasps objects from the standpoint of their determined quiddities. But the requirement of form extends to all intellectual acts:

Cum autem omnis res sit vera secundum quod habet propriam formam naturae suae, necesse est quod intellectus, inquantum est cognoscens, sit verus inquantum habet similitudinem rei cognitae, quae est forma ejus inquantum est cognoscens. Et propter hoc per conformitatem intellectus et rei veritas definitur (*ST*, I, 16, 2c).

The form of the intellectual activity of judgment should therefore be the synthesis that corresponds to the existential synthesizing in its object. By reflection, the intellect can know this form and express it in what the texts just cited from the commentary on the *Sentences* called the *enunciatio*. This is what is expressed verbally in a sentence. It is a synthesis that the intellect, in the words quoted above from the commentary on the ninth book of the *Metaphysics* (lect. 11, no. 1898), forms and utters — “interius format et exprimit voce.”

The notion is not so easy to express in English. It may be called a proposition, if the word is limited to the mental construct and contrasted from a sentence. But “proposition” is a technical term in logic, and means an element in a reasoning process. For this reason the

more suitable word in English is "judgment." The mental construct, used as a proposition in logical contexts, may readily be called a "judgment."²³ The term has the initial disadvantage, though this may turn out in the end to be a notable advantage, of being the same word already used for the intellectual activity of judgment, the "second operation" of the human mind. Now it is being used for a static proposition, in rather sharp contrast to the dynamic character of the intellectual activity. But there seems to be no reason why the form of the dynamic activity should not be known through an act of reflexive simple apprehension and grasped after the manner of form or quiddity. It would thereby be frozen in the way illustrated by Bergson's cinematographic simile, as a single slide. That is the way real forms, though they have an ever flowing existence in the real sensible thing, are grasped by the intellect's simple apprehension.²⁴ They are then an object that is expressed by a concept as in a sign internal to cognition, and by a spoken word as in an external sign. So the cognitive form of the intellect as it performs the act of judgment is expressed internally in a static sign or representation called a judgment, and externally in a sentence. The frozen or static nature of this judgment is readily apparent when it is held before the mind's reflexive gaze for study long after the act of judgment has taken place. "The Titanic is sinking" can still be held before the mind's eye, even though decades have gone by since the judgment was actually being made on that fatal April night in 1912.

In this context of truth, then, "judgment" has two meanings that require careful distinction. In one meaning it is the dynamic intellective act by which synthesizing existence is being grasped. In the other meaning, it is the static, frozen representation of that action's cognitional form. In the first meaning, it denotes the "second operation" of the intellect. In the second meaning, it denotes something that is known through a "first operation" of the intellect, through simple reflexive apprehension. In the first meaning, the object of the cognition is an actual existential synthesizing that is taking place before its gaze. In the other meaning,

²³ On the two different but closely related uses of the term "judgment," see my discussion in *An Interpretation of Existence*, 21-26.

²⁴ "... formae dicuntur invariabiles, quia non possunt esse subiectum variationis; subiiciuntur tamen variationi, inquantum subiectum secundum eas variatur. Unde patet quod secundum quod sunt, sic variantur." *ST*, I, 9, 2, ad 3m. Cf. "Quaedam autem sic recedunt a permanentia essendi, quia esse eorum est subiectum transmutationis, vel in transmutatione consistit" — *ibid.*, 10, 5c, and "dicimus de universalibus, quod sunt incorruptibilia et aeterna, quia non corrumpuntur nisi per accedens, scilicet quantum ad esse quod habent in alio, quod potest non esse" — *In I Sent.*, d. 19, q. 5, a. 3, ad 3m; I, 496-497.

the object is a static representation of that synthesizing, even though the synthesizing is no longer taking place. In the first sense, the judgment is a cognitive activity, in the second sense a cognitional object.

What bearing does this twofold sense of judgment have on the definition of truth given in the text just cited from the *Summa Theologiae*? If truth belongs in the realm of existence and the synthesizing activity of the intellect, what meaning is to be given the term *intellectus* in the definition "per conformitatem intellectus et rei"? Does *intellectus* mean the activity of judgment or the representation of the activity's form?

The term *intellectus* can have the sense of the representation, just as it can signify the concept engendered in the "first operation" of the mind, the action of simple apprehension.²⁵ But in this text from the *Summa Theologiae* (I, 16, 2c), the term had just been used for the faculty — "intellectus, in quantum est cognoscens." Shortly after it is also used for the power — "intellectus autem conformitatem sui ad rem intelligibilem cognoscere potest." One would hardly expect a change in meaning in the word as it occurs between these two instances.

It may be objected that St Thomas passes very easily without warning from one sense of *intellectus* to the other, e.g.:

... per esse suum simplex cognoscit sine compositione intellectuum vel divisione omne esse vel non esse quod rei convenit. Sed intellectus noster, cujus cognitione a rebus oritur, quae esse compositum habent, non apprehendit illud esse nisi componendo et dividendo (*In I Sent.*, d. 38, q. 1, a. 3, ad 2m; I, 904).

However, the point is not too important in the text under consideration from the *Summa Theologiae*. The intellect is being regarded as having its proper form. This form as known through simple reflection becomes an object in itself. It is the knowable content of the intellect as object. Viewed as an object of cognition, *intellectus* in this context may stand indifferently for the power or for the form that is mirrored in a proposition.²⁶

In reflexion the intellect can hold before its glance both the existence

²⁵ "... nomen vel verbum significat simplicem intellectum, oratio vero significat intellectum compositum." *In I Periherm.*, lect. 6, Spiazzi no. 75.

²⁶ In explaining the definition of truth at *CG*, I, 59, Cum enim, St Thomas expressly attributes the truth to what the intellect expresses: "ad illud in intellectu veritas pertinet quod intellectus dicit, non ad operationem qua illud dicit." In this way he is able to regard the activity as distinguished from its form. But the intellect may also be regarded as known through the cognitional form, and from this viewpoint there is no need to strain a text like that from *ST*, I, 16, 2c, by requiring an abrupt change to a different meaning of *intellectus*. However, there is on the other hand nothing surprising with Aquinas in a change of this type, e.g. "remanet seorsum in intellectu nostro et intellectus circuli et intellectus aeris" — *ST*, I, 40, 3c.

apprehended through the act of judgment, and the existence represented in the act and apprehended by an act of simple reflexive apprehension. They are objects of two different acts of cognition, one of an act of judgment, the other of an act of simple apprehension. The intellect can compare the two objects. If in the mental representation it sees correspondence or conformity or equation with the object grasped through the act of judgment, it sees the truth of the representation. Truth accordingly is the relation of conformity or equation or correspondence²⁷ of the judgment (in the sense of the representation) with what the judgment (in the sense of the activity) knows.

Because the intellect can know this conformity through an act of judgment, it can know the truth:

Unde conformitatem istam cognoscere, est cognoscere veritatem. Hanc autem nullo modo sensus cognoscit... Intellectus autem conformitatem sui ad rem intelligibilem cognoscere potest; sed tamen non apprehendit eam secundum quod cognoscit de aliquo quod quid est; sed quando iudicat rem ita se habere sicut est forma quam de re apprehendit, tunc primo cognoscit et dicit verum. Et hoc facit componendo et dividendo (*ST*, I, 16, 2c).

The senses cannot know truth, because they do not have this kind of reflection. Nor can the simple apprehension of the intellect know truth, since it grasps things only under the aspect of quiddity. But quiddity is the same, as quiddity, no matter which existence is actuating it. Only where different existential actuations provide two objects that can be compared, is there room for knowledge of truth. There can accordingly be truth in sensation and in simple apprehension, but in neither of these activities can it be known as truth.

These conclusions in the *Summa Theologiae* had been approached in a slightly different way in the *De Veritate*. The notion of truth requires something new and characteristic, which can be found only in the intellect:

... ibi primo invenitur ratio veritatis in intellectu ubi primo intellectus incipit aliquid proprium habere quod res extra animam non habet, sed aliquid ei correspondens, inter quae adaequatio attendi potest (*De Ver.*, I, 3c).

Truth requires the two objects for comparison. Only when these two objects are known can the relation of correspondence, in which formal truth consists, be seen. Two instances of being are necessary. The aspect of quiddity alone, or of what the sensible species achieves, is not sufficient. The altogether special factor is encountered in judgment:

²⁷ *Correspondentia* is used by St Thomas in this context, though *adaequatio* and *conformitas* are the words that regularly occur: "quae quidem correspondentia, adaequatio rei et intellectus dicitur... scilicet conformitatem, sive adaequationem rei et intellectus" — *De Ver.*, I, 1c.

Intellectus autem formans quidditates, non habet nisi similitudinem rei existentis extra animam, sicut et sensus in quantum accipit speciem rei sensibilis; sed quando incipit iudicare de re apprehensa, tunc ipsum iudicium intellectus est quoddam proprium ei, quod non invenitur extra in re. Sed quando adaequatur ei quod est extra in re, dicitur iudicium verum esse (*ibid.*).

The judgment, held before the reflecting intellect as an object, is what is called true. It is compared with and seen to correspond with what is grasped in the outside thing by the act of judgment. But in this text the emphasis is on the new dimension introduced through judgment — “ipsum iudicium intellectus est quoddam proprium ei, quod non invenitur extra in re.” Does not this mean that the intellect is introducing something new into the cognition, perhaps an *apriori* that is necessary for truth?

For knowing truth, the separate cognition of the two objects is required. The one object is the existence actually synthesizing the components in the thing that is being apprehended. The other object is the judgment in the sense of the proposition that represents this synthesizing. When asked if it is true that the cat is on the mat, you see that the two objects are the judgment “The cat is on the mat” and the actual presence of the cat on the mat at the moment.²⁸ You compare the two objects, and if they correspond you see that the judgment is true.

This judgment, in the sense of a representation, is certainly something that is not found in the thing outside the mind. It is a construct in which the concepts corresponding to subject, copula, and predicate may be distinguished. The distinction is possible only where existence is known in a special way that allows it to be regarded as a distinct object and to be represented in the concept that is expressed by the copula. In this way the existence is represented in the judgment and able to be compared with the existence known in the thing. This is something new and altogether distinctive in the human intellect’s activity. It is different from sensation, and different from the simple formation of quiddities, and it makes the knowledge of truth possible.

But can it be regarded as an *apriori*? As the texts already considered make clear, the synthesizing that takes place in the intellect has as the cause and ground of its truth the existential synthesizing already there in the object known. The synthesizing is present in the object, and does not originate in any intellectual *apriori*. But in the act of judgment the

²⁸ Cf. “For example, the sentence ‘I am about to go home,’ or ‘I am now about to go home,’ is true if and only if the person who utters it is about to go home at the time he utters it.” A. N. Prior, “Fugitive Truth,” *Analysis* 29 (1968), 5-8. No matter how fugitive and fleeting, however, truth grounded on temporal being is fixed and stable insofar as it is the firm and unshakable basis of contradiction.

intellect attains the synthesizing in a special act, and accordingly is able to represent it as a special object. With the distinct object that is expressed by the copula now represented before its gaze, the intellect can make the comparison with the original existence itself and know the truth or falsity of the judgment. All this does not bring in any need for an *apriori*. It merely means that the intellect is able to represent existence as a distinct object, just as it is able to represent the various specific and generic natures as distinct objects of its simple apprehension even though they are not really distinct in the thing outside the mind.

V

These considerations raise a number of problems that require long and careful consideration. They involve the traditional Aristotelian view that the cognitive agent itself becomes and is the thing known. This alone is a difficult topic. But it becomes more involved when it is studied against the medieval background in which a common nature received different types of existence, and still more involved when in St Thomas the only existence immediately known for individuals is the fleeting, temporal, synthesizing existence of sensible things. The problems of truth arising in this setting are complicated, and varying approaches in numbers of different texts make an overall picture difficult to attain. But the above considerations seem sufficient to show that for St Thomas the knowledge acquired in the judgment and able to be seen as true comes entirely from sensible things, including oneself as a sensible object.

The cognitive activity, of course, comes from oneself as agent. It is an action that one performs. But the object that it attains, the object of which it makes one aware, is entirely there in priority to the cognitive act. Its structure comes from the thing known, and not from any *apriori* in the intellect. In the cognitional order, consequently, the human intellect is something purely potential. In the real order it is a power of the soul, a faculty, and accordingly something actual. But from the viewpoint of providing anything in the constitution of its object, it is but a potency to be actuated by what comes from the existent thing before it.

In this conception of judgment and truth further problems regarding the possibility of error and the possibility of rational discourse have to be faced. But for the present purpose the paramount consideration is the understanding that the existential synthesis, the existential actuality, is grasped from the first in sense cognition. That is required and that is sufficient to make the cognitive agent aware of an existential composite that can be penetrated more deeply in intellectual cognition and represented in a way that distinguishes its quidditative and existential factors. When

these have been represented as distinct objects they can be compared with the original existent and the truth or falsity of the judgment can be known. The way then lies open to the unlimited vistas of reasoning.

The basic consideration, then, is that the real existential synthesis be grasped from the start in sensible cognition. With this the case, no intellectual apriori will be required or will be possible for structuring the object. The entire structure will come from the sensible thing. Sense and intellect will mirror the structure in their respective ways, without adding to it. The term and notion "sense judgment" can be an apt means for bringing out and emphasizing the initial grasp of the whole existential composite in sensation. It will show that human cognition is grounded solidly in the real existence of external sensible things. This existence is temporal, ever flowing onward. It provides the setting for the historicity of human existence and human life. Yet in every instance it has the fixity and the security that grounds the first principle of demonstration, the principle of contradiction. From this viewpoint it is in every instance "aliquid fixum et quietum in ente." (CG, I, 20, Procredit). It causes truth in a way that is above human manipulation and is able to offer a secure basis for reasoning in philosophy and science, as well as common considerations for the individual deliberative procedure that leads up to moral decisions. It is the guarantee of a stable as opposed to a changing truth in the historicity of human experience.

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Die spanischen Teilnehmer am Konzil von Reims im März 1148

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OTTO von Freising¹ nennt einmal das Konzil von Reims ein *uniuersale concilium* und im nächsten Satz ein *generale concilium*. Dazu schreibt Karl Joseph Hefele, es habe in Wirklichkeit den Charakter der Allgemeinheit besessen, da man dort zusammen mit den italienischen Bischöfen (im Gefolge des Papstes) französische, deutsche, spanische und englische Würdenträger gesehen habe.² Hefeles Behauptung wurde bereits von seinem französischen Übersetzer, Henri Leclercq, mit der Klarstellung annotiert, dass nur ein einziger Bischof aus Italien am Reimser Konzil teilnahm.³ Der Engländer Johann von Salisbury,⁴ auf den diese Mitteilung zurückgeht, bemerkt, dass dieser einzige Bischof aus Italien Crassantinus von Mantua war.⁵ Von diesem Engländer, der bekanntlich persönlich am Konzil teilnahm, erfahren wir auch, dass die italienischen Bischöfe garnicht zum Konzil aufgefördert wurden, da Papst Eugen III. (1145-1153) für Italien ein eigenes Konzil geplant hatte und zu dem Zwecke die italienischen Bischöfe nach Cremona rief, wo das Konzil tatsächlich am 7. Juli 1148 tagte. Dort wurden die nicht ganz ohne Streit gefassten Beschlüsse des Reimser Konzils vom März des gleichen Jahres zur Bestätigung unterbreitet.⁶

Was Spanien betrifft, so schreibt Hefele,⁷ dass der Primas von Toledo, Raimund (1126-1150/1), nach Reims ging und dass die spanischen Bischöfe erst kurz vorher auf dem Konzil von Palencia den Aufruf zum Reimser Konzil erhalten hatten. Die von Hefele nicht angegebene Quelle ist sehr

¹ *Gesta Frid.* I, 56; ed. G. Waitz - B. von Simson, in: MGH SS in usum schol. 46 (1912) 81.

² *Conciliengeschichte* 5 (Freiburg i. B. 1863) 512.

³ Hefele-Leclercq, *Hist. des conciles*, V, 1 (Paris 1912) 823.

⁴ *Hist. pontif.* 21; ed. Reg. L. Poole (Oxford 1927) 50: Nullus enim Italogum concilio Remensi interfuit excepto Crassantino episcopo Mantuano.

⁵ Nach P. B. Gams, *Series episcoporum* (Leipzig, 1931) 794 hiess er Garsendonius oder Grisandinus und wurde im Juni 1165 abgesetzt.

⁶ *Hist. pont.* 21; S. 50: Ibi proclamationes synodales propositae sunt.

⁷ *Conciliengeschichte*, 5, 512. Hefele-Leclercq, *Hist.*, V, 1, 824.

wahrscheinlich Kardinal Lorenzana (1722-1804).⁸ Durch einen Brief Papst Eugens wissen wir, dass der apostolische Legat, Erzbischof Bernhard Torts von Tarragona (1146-1163), auch zu Reims war und dort vom Papst persönlich ermahnt wurde, sich dem Primas von Toledo zu unterwerfen.⁹ Ferner war auf dem Konzil Bischof Martin II. von Oviedo (1143-1156), der am 9. April 1148 vom Papst die schriftliche Aufforderung erhielt, der Kirche von Lugo die Besitzungen zu überlassen, die ihr die Legaten Humbert und Guido einst zugestanden hatten. Papst Eugen hatte ihm in Reims bereits mündlich die gleiche Anweisung gegeben.¹⁰

Durch ein Schreiben des Papstes an König Alfons von Kastilien (1106-1157), das aus Langres am 27. April 1148 datiert ist, wissen wir, dass spanische Bischöfe nach dem Konzil im Gefolge des Papstes waren, also höchstwahrscheinlich am Konzil teilgenommen hatten. Im Gefolge des Papstes war der Bischof von Coria, der, wie Eugen bemerkt, zu arm war, um sein Amt "mit Nutzen" zu bekleiden. Der Papst spricht die Zuversicht aus, dass der König sich des Bischofs annehmen werde. Zu Langres war auch noch der Bischof von Segovia, Petrus de Angino (1110-1149), beim Papst. Ihm vertraute der Papst die "Goldene Rose" an, die er als besonderen Beweis des päpstlichen Wohlwollens dem König überreichen sollte.¹¹

Andere Vertreter des spanischen Episkopats lassen sich indirekt nachweisen. In Reims erschien eine Gesandtschaft Königs Alfons, der sich über den portugiesischen Erzbischof Johannes von Braga (1138-1175)

⁸ Kard. Francisco Antonio de Lorenzana, *Catalogus praesulum eccl. toletanae Hispaniarum primatis*, in: *Patrum Tolet. opera* 3 (Madrid, 1785), 345. Vgl. P. B. Gams, *Die Kirchengesch. von Spanien*, III, 1 (Regensburg, 1876) 35.

⁹ Eugen, *Ep.* 447 aus Ferentino datiert (13. Mai 1151): Super hac causa Remis te ad rationem posuimus. PL 180, 1472D. Ph. Jaffé, *Reg.* 2 (Leipzig, 1888), 73, Nr. 9482 (von hier an als J. L. zitiert). P. B. Gams, *Kirchengesch.*, III, 1, 24.

¹⁰ C. Erdmann, "Papsturkunden aus Portugal", *Abh. Göttingen, philol.-hist. Klasse*, III, 20, 3 (1927), 210-212: Humbertum bone memorie presbyterum cardinalem et Guidonem diaconum cardinalem nunc autem cancellarium... Sicut ergo in Remensi concilio uiua uoce tibi mandauerimus ita per presentia scripta experientie tue precipiendo mandamus...

¹¹ *Ep.* 296; PL 180, 1346C (J. L. 9255): Ad haec nobilitati tuae notum fieri volumus quod Cauriensem episcopum nobiscum duximus retinendum tum quia in ecclesia quae sibi commissa est gravi inopia, sicut accepimus, premebatur et officium suum sibi exercere utiliter non poterat tum quia confidimus quod munificentia tua suis debeat necessitatibus honestius providere. Ad indicium autem bonae voluntatis et gratiae nostrae circa te rosam auream quam in signum passionis et resurrectionis Jesu Christi Domini nostri Dominica qua cantatur *Laetare Jerusalem* singulis annis Romanus portare pontifex consuevit serenitati tuae per venerabilem fratrem nostrum B. Segoviensem episcopum providimus transmittendam ut eiusdem rosae memoria incitatus... Nach Gams (Series 70) war Petrus de Angino damals Bischof von Segovia, wodurch die Abkürzung B. als Schreibfehler für P. angesehen wird. Für das Jahr 1141 gibt Gams (Series 29) einen Bischof von Coria namens Eneco, Navarron, an. Das Schreiben des Papstes nennt den Namen des Bischofs nicht.

beschwerte, den Eugen schon am 9. Mai 1145 aufgefordert hatte, Toledos Primat anzuerkennen.¹² Sicher waren auch Bischöfe in dieser Gesandtschaft.

Dass abgesehen von diesen eine nicht genau bestimmbare Anzahl von spanischen Bischöfen und Äbten dem Konzil beiwohnten, geht aus dem bereits erwähnten Schreiben des Papstes vom 27. April 1148 aus Langres an König Alfons hervor, der den Papst gebeten hatte, die Suspension jener Bischöfe und Äbte aufzuheben, die nicht zum Konzil gekommen waren. In der Antwort des Papstes heisst es: "Da Sie als frommer und demütiger Sohn wollten, dass die Bischöfe und Äbte Ihres Königreiches gemäss Unserm Aufruf am Reimser Konzil teilnähmen, möchten Wir für Ihren guten Willen danken. Auf Ihre Bitten hin heben Wir daher das Urteil der Suspension über jene auf, die nicht kamen."¹³

Wir wissen also sicher, dass eine Anzahl spanischer Bischöfe und Äbte nach Reims gingen. Wir wissen ebenso sicher, dass andere der päpstlichen Weisung nicht folgten. Der Aufruf Eugens war aber keine schlichte Einladung sondern eine *vocatio*, die mit Suspension für jene Bischöfe und Äbte endete, die nicht erschienen. Ohne irgend eine Einschränkung anzudeuten, schreibt Johann von Salisbury, Papst Eugen habe "alle, die zum Konzil gerufen wurden und nicht kamen, suspendiert."¹⁴

Zum Reimser Konzil wurden, wie Gottfried von Auxerre, der auch daran teilnahm, richtig schreibt, die Bischöfe von vier Königreichen zusammengerufen: Frankreich, Deutschland, England und Spanien.¹⁵ Der Chronist von Melk behauptet, mehr als 400 Bischöfe und Äbte seien zu Reims zusammengekommen. Die mit dem Jahre 1148 abschliessende und aus Gembloux stammende Fortsetzung der Chronik Sigeberts geht noch

¹² H. Gleber, "Papst Eugen III", *Beiträge zur mittelalterl. und neueren Geschichte* 6 (Jena, 1936), 99. Eugen, *Ep.* 22 (an Erzb. Johann); PL 180, 1036C. J. L. 8752. *Ep.* 371 (an König Alfons, datiert: Lateran, den 29. Dezember 1149); PL 180, 1405D. J. L. 9363.

¹³ Eugen, *Ep.* 296; PL 180, 1346D (J. L. 9255): Quia vero episcopos et abbates regni tui ad vocationem nostram tamquam devotus et humilis filius Remensi interesse concilio voluisti, benevolentiae tuae gratias exhibentes, precum tuarum consideratione devicti eos qui non venerunt a suspensionis sententia relaxamus. Vgl. N. M. Häring, Notes on the Council and the Consistory of Reims (1148), in: *Mediaeval Studies* 28 (1966) 41.

¹⁴ *Hist. pont.* 4, S. 11: suspendit... omnes qui ad concilium non uenerant. Den meisten englischen Bischöfen war der Besuch des Konzils von König Stephan (1133-1189) verboten worden. Erzbischof Theobald von Canterbury (1139-1161) ging trotz des Verbotes. Durch Ralph Diceto, *Abbrev. chron.*, ed. W. Stubbs, Rolls Series 68, 1 (London 1876) 262, wissen wir, dass Theobalds "Suffragane vom Papst suspendiert wurden, weil sie nicht zum Konzil gekommen waren."

¹⁵ *Libellus contra capitula Gisleberti* 1, 9, ed. N. M. Häring, in: *Analecta Cist.* 22 (1966), 37: Factaque est inquisicio tercia in urbe Remorum ubi predictus papa magnum eodem anno concilium celebrauit, congregatis quatuor regnorum episcopis: Gallie, Germanie, Anglie et Hispanie (PL 185, 596D).

weiter: "An dieser Synode sollen gegen 1100 Erzbischöfe, Bischöfe und Äbte teilgenommen haben."¹⁶

Auch Österreich war eingeschlossen, denn das päpstliche Schreiben vom 12. Oktober 1147 an Erzbischof Eberhard von Salzburg (1147-1164) ist noch erhalten, in dem Eugen schreibt, er fordere die Erzbischöfe, Bischöfe und andere Würdenträger (*praelati*) auf, sich an *Laetare*-Sonntag (21. März 1148) zum Konzil einzustellen.¹⁷ Die Bischöfe Hartmann von Brixen (1140-1164) und Eberhard von Bamberg (1146-1170) sind als Teilnehmer nachweisbar.¹⁸ Das gilt auch von den Propsten von Salzburg, Chiemsee und Berchtesgaden sowie den Äbten von St. Paul im Lavanttal, St. Lambrecht und Biburg. Otto von Freising (1138-1158) und Reginbert von Passau (1138-1147/8) waren auf dem Kreuzzug. Ob die Bischöfe Heinrich von Regensburg (1132-1155) und Roman von Gurk (1132-1167) nach Reims gingen, ist unbekannt.¹⁹

Im allgemeinen hat sich der Papst schriftlich nicht direkt an die Bischöfe und Äbte gewandt sondern an die Erzbischöfe, deren Aufgabe es dann war, die Nachricht weiterzuleiten.²⁰ Aus den zwei noch erhaltenen Schreiben sind sogar noch die "Briefträger" bekannt, von denen einer "Subdiakon der hl. römischen Kirche" und der andere des Papstes eigener Kaplan war.²¹

Nach Spanien soll Eugen 1147 einen Legaten geschickt haben, durch den er die Bischöfe zu der Kirchenversammlung in Reims aufrief. Mit Berufung auf Tejada²² schreibt P. B. Gams: "Sie erhielten Kenntniss von

¹⁶ MGH SS 9, 504 (ad ann. 1148): Sinodus magna sub Eugenio papa Remis celebratur in quadregesima ubi quadringentorum et eo amplius episcoporum et abbatum multitudo conuenerat. MGH SS 6, 390: Eugenius papa, collecta generali synodo Remis, multa super statu ecclesie tractauit et confirmauit... In hac synodo archiepiscopi, episcopi et abbates usque ad mille centum resedisce dicuntur. J. Haller, *Das Papsttum*, 5 (Basel, 1952) 75 schreibt vom Konzil: "Wie stark es besucht war, ist nicht bezeugt, aber alle Nationen waren vertreten."

¹⁷ Eugen, *Ep.* 232; PL 180, 1285C. J. L. 9149. P. Fr. Kehr, *Regesta pont. Romanorum: Germania pontificia* 1 (Berlin, 1911), 24.

¹⁸ P. Classen, *Gerhoch von Reichersberg* (Wiesbaden, 1960), 134. W. Hauthaler und F. Martin, *Salzburger Urkundenbuch*, 2, 380-381.

¹⁹ P. Classen, *Gerhoch*, 134.

²⁰ Bischof Heinrich von Olmütz (1126-1150), dessen Bitte, vom Konzilsbesuch entschuldigt zu sein, von Eugen angenommen wurde, war wohl ein in besonderen Verhältnissen begründeter Einzelfall.

²¹ *Ep.* 231 (an Heinrich von Olmütz); PL 180, 1284C: Ideoque per apostolica scripta et dilectum filium nostrum Iohannem sanctae Romanae ecclesiae subdiaconum fraternitati tuae praecipiundo mandamus... *Ep.* 232 (an Erzb. Eberhard von Salzburg); PL 180, 1285B: Vestrae igitur universitati per apostolica scripta et dilectum filium Raim(undum) capellanum nostrum praecipiundo mandamus...

²² J. Tejada y Ramiro, *Colección de Concilios y canones de la Iglesia Española*, 3 (Madrid, 1860), 271.

den Irrlehren Gilbert's, um dieselben zu prüfen. Die Erzbischöfe von Toledo, Braga und Tarraco (= Tarragona) beriefen aus diesem Anlass ihre Suffragane, um ihnen den Befehl des Papstes mitzutheilen, und sich mit ihnen über die Irrlehren Gilbert's zu berathen."²³ Ferner fand nach Gams im Jahre 1148 eine Versammlung der Cortes zu Palencia in Gegenwart von König Alfons statt, wo den Anwesenden die päpstliche Weisung vorgelegt wurde.²⁴

In seiner *Notitia conciliorum Hispaniae* gibt Kardinal Joseph Saenz de Aguirre (1630-1699) einen Bericht, den Joseph Catalani in die *Collectio maxima conciliorum omnium Hispaniae* aufnahm: "Im Jahre 1148 wurde von Alfons VII. zusammen mit den Bischöfen und Prinzen seines Königreiches zu Palencia²⁵ ein Konzil oder vielmehr eine *comitia* abgehalten. Vor allem waren die Herrn Bischöfe zusammengerufen worden, um das Edikt von Papst Eugen III. zu lesen, der ihnen befahl, sich zur Feier eines allgemeinen Konzils nach Reims in Frankreich zu begeben und dort vier exotische Thesen des Bischofs Gilbertus Porretanus zu überprüfen. Eine Abschrift (*exemplar*) jener Thesen schickte Eugen an König Alfons, um sie von den Bischöfen Spaniens prüfen zu lassen. Ihr Urteil sollten sie dann entweder persönlich oder durch ehrenhafte und gelehrte Vertreter zu Reims vorlegen. Es steht aus dem oben angedeuteten Brief Eugens, in dem er dafür dem König dankt, fest, dass einige von ihnen nach Reims geschickt wurden. Es wurden auf dem Konzil von Palencia noch mehrere andere Dinge zum Wohl des Königreiches dekretiert, die in den Privilegien der Jahre 1148 und 1149 für das Kloster Carraceto²⁶ zu Bierzo bei Villafranca erwähnt und von Sandoval in seinem Werk über Alfons VII. auf fol. 196 angezeigt sind."²⁷ In der Ausgabe von Catalani ist Kardinal

²³ P. B. Gams, *Die Kirchengeschichte von Spanien*, III, 1, 196-197.

²⁴ Gams, *Kirchengeschichte*, III, 1, 35.

²⁵ Ein Brief des hl. Bernhard an Bischof Peter von Palencia (1139-1148) ist noch erhalten: *Ep.* 372; PL 182, 576B. Die Stadt hatte eine blühende Domschule, aus der eine der ersten Universitäten Spaniens hervorging. Vgl. P. Classen, "Die ältesten Universitätsreformen und Universitätsgründungen des Mittelalters," *Heidelberger Jahrbücher* 12 (1968), 75 und 86.

²⁶ Es lag zwischen Villafranca und Ponferrado auf dem östlichen Ufer der Cua (Astorga). Heute stehen nur noch die Ruinen. L. Janauschek, *Orig. Cist.*, 1 (Wien, 1877), 209. H. Florenz, *España sagrada*, 16 (1762), 47. Fr. Clare Nock, *The Vita s. Fructuosi* (Washington, 1946), 2.

²⁷ Joseph Saenz de Aguirre, *Notitia conciliorum Hispaniae* (Salamanca: L. Perez, 1686), 310: Concilium palantinum seu potius comitia ab Alphonso VII. cum episcopis et proceribus regni celebrata apud Palentiam Era 1186 i.e. anno Christi 1148. Inprimis convocati fuerunt sacri praesules ad legendum edictum Eugenii III. Papae praecipientis ut se conferrent ad celebrandum Rhemis in Gallia concilium generale et examinandum ibidem quatuor theses exoticas Gilberti Porretani episcopi. Illarum exemplar misit Eugenius ad regem Alphonsum ut examinarentur ab episcopis Hispaniae, prolato de eis iudicio, ut vel per seipsos vel interventu gravium et doctorum hominum illud Rhemis aperirent. Porro aliquos ex iis missos fuisse ad eam synodum

de Aguirre als Quelle angegeben.²⁸

Kardinal de Aguirre, der die Schwächen seiner Quelle nicht durchschaut zu haben scheint, bezieht sich am Ende seines Berichtes auf die *Chronica del inclito Emperador de España, Don Alonso VII.*, die von dem Benediktiner Prudencio de Sandoval (1553-1620) verfasst und 1600 zu Madrid gedruckt wurde. Auf der von de Aguirre angegebenen Seite (196) findet sich allerdings kein Hinweis auf jene angeblichen Privilegien.²⁹ Sandoval spricht von unserer Synode³⁰ auf S. 143: "Aus einer escritura de merced, die er

constat [S. 311] ex epistola IV. Eugenii ad ipsum regem *supra indicata* in qua ei gratias propterea refert. Deinde plura alia ad bonum regni spectantia decreta fuerunt in eo concilio palentino cuius mentio habetur in privilegiis eodem anno et sequenti concessis monasterio Carrezetensi apud Vierzum prope Villam Francam — Sandoval 196. Statt *supra indicata* hat Catalani mox proferenda.

²⁸ Jos. Saenz de Aguirre, *Collectio maxima Conciliorum omnium Hispaniae*, ed. Jos. Catalani, 3 (Rom, 1694), 354. Der Text findet sich in der gleichen Sammlung Band 5 (Rom, 1755), 62; noch nicht bei J. Hardouin, *Acta Conc.*, VI, 2 (Paris, 1714) aber bei N. Coleti, *Sacrosancta Concilia* 12 (Venedig, 1730), 1649 und bei G. Mansi, *Sacrorum conc. nova et ampl. coll.*, 21 (Vendig, 1776), 711.

²⁹ Auch F. Pagi, *Breviarium*, 3 (Antwerpen, 1718), 20 zitiert S. 196. Vgl. Mansi 21, 735E.

³⁰ Prudencio de Sandoval, *Chronica del inclito Emperador de España, Don Alonso VII deste nombre Rey de Castilla y Leon, hijo de Don Ramon de Borgoña, y de Doña Hurraca, Reyna propietaria de Castilla* (Madrid, por Luis Sanchez, 1600), 143: "Parece por una escritura de merced que hizo al monesterio de Carracedo de la orden de S. Benito, en el Bierço, cerca de Villafranca, que agora es de monges del Cistel, en que le haze libre de todo pecho y portazgo, como en éste año de la Era 1186. celebrò Cortes de la ciudad de Palencia, y mandò juntar todos los Prelados del Reyno, à manera de Concilio, para que viessen vn edicto, que el Papa Eugenio III. auia embiado, llamando à Concilio general, que se auia de tener en la ciudad de Reyns, por causa de Gilberto Porretano: contra el qual nuestro Padre San Bernardo, pro escrito y por palabra en los sermones enseñaua la verdad. El Papa por atajar los muchos males (S. 144) que podian resultar de la opinion de Gilberto, hizo llamamiento general, para celebrar el Concilio di cho en la ciudad de Reyns, donde se hizieron quatro cargos al Obispo Gilberto: los quales se ventilaron por todas las Vniuersidades de la Christiandad, y en éste Concilio, hallandose en el nuestro Padre S. Bernardo, que defendio la parte mas sana.

Estas embio el Sumo Pontifice tambien al Emperador, para que juntando los Prelados del Reyno, tratassen dellas, y embiassen con la resolucion al Concilio personas doctas, ò fuessen todos ellos: y el santo Emperador con zelo de seruir à nuestro Señor, hizo la junta que el priuilegio dize de Prelados en Palencia. Lo que en Reyns se resoluió fue, que condenaron por heretica la opinion del Obispo Gilberto, y el se allanò e sujetò con humildad à la determinacion del Papa. Assi dize nuestro Padre S. Bernardo en el sermon 80. sobre los Cantares: *Si diuinitas, quae tanta est, vt faciat Deum, Deus non est, quid est? Absit vt assentiat Catholica Ecclesia, esse substantiam, vel aliquam omnino rem, quae Deus sit, et quae non sit Deus.* Es lo que dize: Si la diuinidad, que es tanta, que haze que Dios sea Dios, non es Dios, que es? De ninguna manera serà que la Yglesia Catolica confiesse alguna substancia, ò cosa que sea Dios, y que Dios non sea. De Gilberto dize Pedro Venerable, Abad del gran monesterio de Cluni, que se metio monge en éste insigne monesterio, recibiendo el abito de nuestro Padre S. Benito: y viuio en ello restante de su vida con gran exemplo y humildad, y aprouacion de vida."

(Alfons) dem Benediktinerkloster von Carracedo zu Bierzo bei Villafranca, das jetzt den Mönchen von Citeaux gehört, gewährte und in welcher er es freimacht von aller Belastung und Steuerpflicht, ist ersichtlich, dass er im Jahre 1148 in Palencia hofhielt und alle Prälaten des Reiches aufforderte, sich dort nach Art eines Konzils zu versammeln, um ein Edikt einzusehen, das Papst Eugen III. erlassen hatte. Darin rief der Papst zu einem allgemeinen Konzil auf, das in der Stadt Reims tagen sollte, um die Angelegenheit des Gilberto Porretano, gegen den unser Vater Sankt Bernhard in Predigt und Schrift die Wahrheit lehrte, zu klären. Um die vielen Übel, die aus Bischof Gilberts Anschauungen resultieren könnten, abzuwenden, erliess der Papst einen allgemeinen Aufruf, darüber in der Stadt Reims ein Konzil abzuhalten, wo man vier Anklagen gegen Bischof Gilbert erhob, die auf den Universitäten der ganzen Christenheit und auf diesem Konzil ventiliert wurden, wie man bei unserm Vater Sankt Bernhard nachlesen kann, der den richtigen Standpunkt verteidigte.

Der Papst sandte diese (Lehranschauungen) auch an den Emperador, der die Prälaten seines Reiches zusammenrufen sollte, um sie zu besprechen. Sie sollten dann gelehrte Männer mit ihrer Entscheidung zum Konzil schicken oder alle selbst dahin gehen. In seinem Eifer, unserm Papst zu dienen, berief der Erlauchte Emperador eine Versammlung der Prälaten zu Palencia ein, wie das (genannte) Privilegium sagt. In Reims wurde der Beschluss gefasst, die Lehrmeinung des Bischofs Gilbert als häretisch zu verdammen. Er warf sich dem Papst zu Füßen und unterstellte sich mit Demut seiner Entscheidung. Unser Vater Sankt Bernhard sagt in seiner 80. Predigt über das Hohelied: *Si divinitas quae tanta est ut faciat deum deus non est, quid est? Absit ut assentiat catholica ecclesia esse substantiam vel aliquam omnino rem quae³¹ deus sit et quae non sit deus.*³² Das soll heissen: Wenn die Gottheit, die so gross ist, dass durch sie Gott Gott ist, nicht selber Gott ist, was ist sie dann überhaupt? Es darf auf keinen Fall passieren, dass die katholische Kirche eine Substanz oder irgend etwas anerkennt, das Gott und nicht Gott ist.

Von Gilbert, dem Porretaner, berichtet der Abt des berühmten Klosters von Cluny, Petrus Venerabilis, dass er in jenem hervorragenden Kloster Mönch wurde und den Habit unseres Vaters Sankt Benedikt annahm. Er habe dort beispielhaft, demütig und würdig den Rest seines Lebens verbracht."

Chronologisch untersucht legt dieser Bericht viele Rätsel auf, die später

³¹ Die originale Lesart ist *qua*, nicht *quae*.

³² Bernhard, in *Cant.* s. 80, 4, 6 und 8, ed. J. Leclercq, C. H. Talbot, H. M. Rochais, *S. Bernardi opera*, 2 (Rom, 1958), 281 und 283.

zu besprechen sind. Auf dem Rande (S. 144) weist Sandoval auf zwei Werke hin, die er wohl benutzt hat: "Monarchia Sanderi lib. 7 anno 1153. Genebrard. Chronolog. lib. 4. año 1145." Es handelt sich da zunächst um den Engländer Nicholas Sanders († 1581), dessen *De visibili monarchia ecclesiae* 1571 zu Löwen veröffentlicht wurde. Über Gilbert hat er folgendes zu sagen: De Gilberti errore. Dicebat deum diuinitate sua esse deum sed ipsam diuinitatem non esse deum. quam haeresim ab illo reuocatam discipuli eius contentiosius defendebant. Bernardus in Canticum Hom. 80. Eugenius in Concilio Remensi definiuit diuinitatem esse deum. Otto Frisingensis³³ de gestis Friderici lib. I, cap. 57. Bernardus in Canticum Sermo 80: Si diuinitas qua tanta est ut faciat deum deus non est, quid est? Absit ut assentiat catholica ecclesia esse substantiam vel aliquam omnino rem qua deus sit et quae deus non sit.³⁴

Ein Vergleich des Bernhard-Zitates mit dem Original zeigt, dass Sandoval es nicht direkt aus Bernhards Predigt sondern aus Nicholas Sanders abschrieb. Der damals sehr gefeierte Gilbertus Genebrardus (1535-1597) weist auf die gleiche Predigt hin, ohne jedoch den Text zu zitieren. Er spricht allerdings von vier Anklagen gegen Gilbert, von denen Sanders nichts sagt.³⁵

Ein Vergleich Sandovals mit Kardinal de Aguirre zeigt, dass der Bericht des Kardinals keinen selbständigen Quellenwert hat sondern einzig auf Sandoval beruht. Wo de Aguirre also von "vier exotischen Thesen" Gilberts spricht, meint er die vier als *capitula* bekannten Anklagen der Gegner Gilberts, die von Sandoval, der sich auf Genebrardus stützt, erwähnt werden. Wo de Aguirre sich auf Privilegien bezieht, die den Benediktinern "1148 und im folgenden Jahre" gewährt wurden, geht er über Sandoval hinaus, der nur eine einzige *escritura de merced* als Quelle anführt. Wo dann de Aguirre von weiteren Dingen spricht, die in Palencia "zum Wohle des Königreiches dekretiert wurden," verlässt er das Gebiet, das uns hier interessiert, und behauptet wieder mehr als seine Quelle.

Das von Sandoval genannte Privileg hat keineswegs all die Einzelheiten enthalten, die uns Sandoval vorlegt. Vermutlich wurde im Privileg Palencia erwähnt, wo die Mönche vielleicht dem König ihre Bitten unter-

³³ *Gesta Frid.* I, 61; S. 87.

³⁴ Nicolaus Sanderus, *De visibili monarchia ecclesiae*, VII, 143 (Löwen, 1571) 483. Statt *qua tanta ist quae tanta* zu lesen.

³⁵ Gilbertus Genebrardus, *Chronographia* 2 (Köln: apud Joh. Gymnicum, 1581), 922-923: Gilbertus Porretanus Pictauiorum episcopus ob insignem eruditionem uniuersalis dictus proscriptur ab ecclesia in concilio Remensi quod negaret diuinitatem qua deus est esse deum. Bernardus super Cantica ser. 80. Continuat. Sigeberti. Rem paulo aliter narrat Ottho Frisingensis, lib. I de Frid. cap. 55. 56. 57. Quatuor scilicet Porretano obieiebantur...

breitet hatten. Dabei stand wohl im Text die Bemerkung, dass die Sache besprochen wurde im Zusammenhang mit der Versammlung, die vom König angeordnet war. Sandoval zog dann noch Sanders und Genebrardus heran und machte schliesslich einen Benediktiner aus Gilbert, indem er Abälards Aufnahme durch Petrus Venerabilis auf Gilbert übertrug, der nicht als Benediktiner in einem Kloster sondern am 4. September 1154 friedlich als Bischof von Poitiers in Poitiers starb.

Man wird also Sandovals Darstellung mit grosser Vorsicht behandeln müssen. Wenn sie nämlich richtig wäre, müsste man aus ihr folgern, dass bereits vor dem Reimser Konzil vier Anklagen gegen Gilbert formuliert worden waren, zu denen der spanische Episkopat Stellung nehmen sollte. Das wäre an sich durchaus möglich. Sandovals Bericht reicht aber nicht aus, eine solche Annahme glaubhaft zu machen.

Die zwei noch erhaltenen Briefe Papst Eugens sprechen kein Wort von einer Überprüfung der Orthodoxie Gilberts. Das Konzil wurde nämlich garnicht ausgerufen, um über seine Lehre und ihre Richtigkeit Klarheit zu schaffen. Es war auch wohl kaum im Einklang mit dem durch die zwei Briefe bekannten Konzilsbefehl, dass, wie Sandoval schreibt, der Papst vorschrieb, die Prelados del Reyno sollten entweder ihr Urteil über die vier Anklagen dem Konzil "durch gelehrte Männer" mitteilen oder selbst persönlich nach Reims gehen. Wenn ihnen also die Wahl blieb, selbst nach Reims zu kommen oder andere zu schicken, steht man vor der Frage, warum all jene Bischöfe und Äbte, die nicht nach Reims gingen, suspendiert wurden.

Chronologisch betrachtet ist Sandovals Bericht unklar, verworren und sprunghaft. Zunächst schreibt er, Alfons von Kastilien habe die Prälaten zu einer Zusammenkunft in Palencia aufgefordert, wo sie ein Edikt des Papstes einsehen sollten, das sie zu einem allgemeinen Konzil in Reims rief, um den Fall Gilbert zu klären, gegen den Bernhard in Wort und Schrift die Wahrheit lehrte. Davon konnte Alfons natürlich nichts wissen, denn Bernhard schrieb gegen Gilbert erst Jahre nach dem Reimser Konzil.

Sandoval berichtet dann gleich andere Dinge, die man in Palencia garnicht wissen konnte, nämlich dass man zu Reims "vier Anklagepunkte gegen Bischof Gilbert aufstellte, die auf allen Universitäten der Christenheit und auf diesem Konzil ventiliert wurden."

Selbst wenn man die etwas anachronistisch genannten "Universitäten der Christenheit" einmal übersieht, konnte man zu Palencia nicht wissen, dass man im Konzil zu Reims, das noch garnicht stattgefunden hatte, vier Anklagen gegen Gilbert aufstellte. Sandoval mutet uns noch mehr Glauben zu. Die vier Ankagen, die in Reims gemacht wurden, schickte der Papst auch an Alfons, der die Prälaten seines Königreiches versammeln sollte, damit sie die vier Punkte diskutierten und entweder "gelehrte

Männer mit ihrer Resolution ans Konzil schickten oder alle selbst dahingingen." Wir sind also wieder in der vorkonziliaren Periode. Alfons brachte die Prälaten, "wie das Privilegium sagt," in Palencia zusammen. Nun erfahren wir, dass man Gilberts Lehrmeinungen zu Reims verwarf. Aber das wusste man zu Palencia genau so wenig wie die durch Bernhard verbreitete These, dass Gilbert sich mit Demut der Entscheidung des Papstes beugte.

An der ganzen Darstellung dürfte eines richtig sein, nämlich dass in Palencia dem dort durch Alfons versammelten Klerus der päpstliche Ruf zum Konzil vorgelesen wurde. Alles andere sind höchstwahrscheinlich Zutaten aus anderen Quellen, die geschichtlich gesehen zwar richtig sein mögen, aber hier nicht sehr überzeugend eingeflochten sind.

Was nun die "vier Anklagen" betrifft, so lässt der Sekretär des hl. Bernhard keinen Zweifel darüber, dass sie sich erst in Reims langsam herauskristallisierten: zwei am ersten und zwei am folgenden Tag der zweitätigen nachkonziliaren Debatte im päpstlichen Konsistorium.³⁶ Als Ausnahme darf man den Satz: *diuinitas non est deus* betrachten, also die erste Anklage, die nach seiner Darstellung bereits 1147 zu Paris ergebnislos diskutiert wurde.³⁷ Gottfried von Auxerre steht da jedoch im Gegensatz zu Otto von Freising, der die *capitula*, die Gilbert "vorgeworfen wurden," schon beim Pariser Konsistorium erwähnt.³⁸ Sandoval scheint vom Pariser Konsistorium keine Kenntnis gehabt zu haben. Seine Darstellung, aus der man vielleicht auf die Existenz von vier Anklagen vor Reims schliessen könnte, ist nicht zuverlässig genug, um daraus abzuleiten, dass Otto der Wahrheit näher kommt, falls man annimmt, er habe sie dem Pariser Konsistorium bereits zugeschrieben.

Wenn der Papst wirklich einen Delegaten nach Spanien entsandte, darf man annehmen, dass er einen Kardinal schickte, der mit den spanischen Verhältnissen vertraut war. Wenn man aus dem Bericht Sandovals einen Zusammenhang zwischen dem Konzilsbefehl und der geplanten Prüfung der Lehren Gilberts postuliert, wird man voraussetzen dürfen, dass dieser Kardinal am Konsistorium in Paris (1147) teilgenommen hatte. Dann wäre der Legat frühestens Ende April nach Spanien gegangen. Es ist aber sehr fraglich, ob Eugen sich schon so früh endgültig zur Abhaltung eines Konzils entschlossen hatte. Gottfried von Auxerre behauptet, Papst Eugen habe zu Paris Gilbert den Auftrag gegeben, ihm den um-

³⁶ *Ep. ad Albinum* 6, 27 und 31, ed. N. M. Häring, *Anal. Cist.*, 22 (1966), 74-75. Vgl. Häring, "Das sogenannte Glaubenbekenntnis des Reimser Konsitoriums von 1148", *Scholastik* 40 (1965), 61-62.

³⁷ *Ep. ad Albinum* 2, 7-12, ed. Häring, 71-72.

³⁸ *Gesta Frid.* I, 52; S. 75.

strittenen Kommentar zu übersenden, da er "im gleichen Jahre," also noch 1147, "in der Stadt Reims" ein Konzil abhalten wollte.³⁹ Allerdings machte Gottfried diese Behauptung etwa 40 Jahre später und könnte darum leicht im Irrtum sein. Soweit sich aus anderen Quellen feststellen lässt, reifte der Konzilsentschluss des Papstes erst im September 1147. In den noch erhaltenen Briefen werden die kirchlichen Würdenträger nicht nach Reims sondern nach Trier und vielleicht sogar nach Troyes bestellt.⁴⁰ Reims, so scheint es, wurde erst im Februar 1148 als Konzilsort bestimmt.⁴¹

Nach P. B. Gams ist in den dreissiger Jahren die Legatentätigkeit der Kardinäle Humbert (1130) und Guido (1134, 1136, 1137) in Spanien bezeugt.⁴² Obwohl der Name Guido um diese Zeit in der Kurie nicht selten war, handelt es sich hier um den Kardinaldiakon von Ss. Cosma e Damiano, der später päpstlicher Kanzler wurde. Aus dem schon erwähnten Schreiben Eugens vom 9. April 1148 (Reims) an Bischof Martin von Oviedo steht fest, dass der inzwischen verstorbene Kardinalpriester Humbert und der Kardinaldiakon Guido, der "zur Zeit (1148) Kanzler" war, der Kirche von Lugo Zugeständnisse gemacht hatte, deren Ausführung der Papst verlangte.⁴³

Wir wissen, dass der päpstliche Legat Kardinal Guido im Jahre 1143 in Coimbra (Portugal) einen Streit schlichtete.⁴⁴ Im September des gleichen Jahres nahm er an einer Synode zu Valladolid (Spanien) teil und regelte am 16. November 1143 in Gerona (Spanien) eine weitere

³⁹ *Ep. ad Albinum* 2, 12; S. 72: ... iniunxit ei summus pontifex quantinus ante concilium quod eodem anno in ciuitate Remorum celebrare proponebat eundem sibi libellum transmitteret studiose scrutandum...

⁴⁰ In einem Schreiben aus Auxerre vom 6. Oktober 1147 (PL 180, 1283C) an Abt Suger, der damals Frankreichs Reichsverweser war, erwähnt Eugen, dass ihm der Abt gewisse Orte innerhalb des ihm unterstellten Gebietes für das Konzil vorgeschlagen hatte. Von Auxerre schrieb er am 11. Oktober an Bischof Heinrich von Olmütz (PL 180, 1284B) und am 12. Oktober an Erzb. Eberhard von Salzburg. Heinrich wurde nach Trier und Eberhard nach Troyes bestellt, wobei man vielfach Trecas (Troyes) als Schreibfehler für Treviris erklärt. Vgl. Häring, *Notes on the Council*, 39.

⁴¹ N. M. Häring, *Notes on the Council*, 39.

⁴² Gams, *Kirchengesch.*, III, 1, 3-34. Prof. P. Classen, den ich gebeten hatte, das mir hier unzugängliche Werk von G. Säbekow, *Die Päpstlichen Legationen nach Spanien und Portugal bis zum Ausgang des XII. Jahrhunderts* (Berlin, 1931) zu überprüfen, teilte mir am 16. 3. 1969 aus Rom freundlichst mit, dass Säbekow ein Konzil von Palencia im Jahre 1148 nicht erwähnt und auch Gilbert nicht berührt. Auf S. 45-47 wird die Delegation des Kardinal Guido 1143/4 behandelt.

⁴³ C. Erdmann, "Papsturkunden in Portugal", *Abh. Göttingen, philol. hist. Kl.*, III, 20, 3 (1927), 210-211, Nr. 46.

⁴⁴ C. Erdmann, *Papsturkunden*, S. 197, Nr. 39.

Streitfrage.⁴⁵ Der in einem Brief Coelestins II. (1143-1144) vom 17. Februar 1144 an den Erzbischof von Toledo genannte Kardinaldiakon und Legat G. dürfte also der gleiche Guido sein.⁴⁶ Am 5. Mai 1144 drohte Papst Lucius II (1144-1145), den Bischof Petrus (Rabaldis) von Porto (1138-1145) in Portugal, der von Kardinal Guido suspendiert worden war, von neuem zu suspendieren.⁴⁷

Im Jahre 1146 wurde Guido Kanzler und unterzeichnete zunächst vom 17. Dezember 1146 bis zum 10. April des folgenden Jahres.⁴⁸ Das Pariser Konsistorium begann wahrscheinlich erst am 22. April 1147, bestimmt nicht vor dem 20. April.⁴⁹ Vom 15. April bis zum 5. Juni 1147 war Guido nicht bei der Kurie, also auch nicht beim Konsistorium, und wurde durch den Kardinalpriester Hugo von S. Lorenzo in Lucina vertreten.⁵⁰

Es ist sehr wahrscheinlich, dass Kanzler Guido von Troyes nach Bamberg ging und dort mit König Konrad III. am 20. April das Osterfest feierte. Von dort ging er zum Reichstag nach Nürnberg (23. April) und kurz darauf nach Würzburg, wo er am 27. April mit Abt Wibald von Stablo einige Mönche aus Korvei erwartete.⁵¹ Kanzler Guido kommt also als Legat für Spanien in der Sache des Konzils kaum in Frage. Vom 7. Juni 1147 bis zum 6. Mai 1149 finden wir ihn dann fast ununterbrochen in der Umgebung des Papstes.⁵²

Wenn auch Kanzler Guido kaum der Legat war, durch den Papst Eugen die spanische Kirche von seinem Vorhaben in Kenntnis setzte,

⁴⁵ C. Erdmann, "Papsturkunden", S. 198, Nr. 40. P. Kehr, "Papsturkunden in Spanien," *Abh. Göttingen, philol.-hist. Kl.*, NF 22, 1 (1928), 337, Nr. 42.

⁴⁶ *Epist.* 44; PL 179, 811C. J. L. 8503.

⁴⁷ C. Erdmann, "Papsturkunden", S. 209, Nr. 44.

⁴⁸ PL 180, 1163A-1202D. Am 10. April 1147 war die Kurie in der Gegend von Troyes auf dem Wege nach Paris.

⁴⁹ N. M. Häring, "Das Pariser Konsistorium Eugens III. vom April 1147," *Studia Gratiana* 11: *Collectanea Stephan Kuttner* 1 (Bologna, 1967), 110.

⁵⁰ PL 180, 1205B-1236B. Guido war ein Pisaner, den Balderich von Trier als virum prudentissimum et breviluquo notabilem lobt (MGH SS 8, 255). Auch Otto von Freising (*Gesta Frid.* I, 28; S. 47) zollt ihm hohes Lob. Guido war Kardinaldiakon von Ss. Cosma e Damiano. Als solcher zeichnete er noch am 13. Juli 1146 (PL 180, 1149B). Sein Nachfolger an der gleichen Titularkirche war der spätere Alexander III., der vorher als Roland Bandinelli bekannt war und dessen Unterschrift am 21. November und 13. Dezember 1150 nachweisbar ist. Roland zeichnete später als Kardinalpriester von S. Marco (20. März 1151) und ist am 6. Juni 1152 bereits als Kanzler tätig (PL 180, 1603A). Ihm ging Boso als scriptor (1140-1152) voraus. Guido ist also wohl um diese Zeit gestorben oder zurückgetreten.

⁵¹ W. Bernhardt, "Konrad III.," *Jahrbücher für Deutsche Geschichte* (Leipzig, 1883), 560-561.

⁵² Kardinal Hugo vertrat Guido am 2. Juli und 17. August 1147 und am 28. Mai 1148.

so wird man für den Zeitpunkt der Botschaft nicht den Sommer sondern erst den Herbst 1147 ansetzen dürfen. Im Schreiben des Boten waren das Datum (21. März 1148) und der Konzilsort zu lesen. Vielleicht hat die im Februar 1148 vollzogene Verlegung nach Reims wenigstens für die Spanier einen Kurier notwendig gemacht, der die dadurch drohende Verwirrung verhindern sollte.

Das Schreiben des Papstes enthielt aber keine Instruktionen über die Lehrmeinungen Gilberts. Es ist nämlich keine Quelle bekannt, aus der hervorgeht, dass Papst Eugen je die Absicht hatte, Bischof Gilbert vor ein Konzil zu stellen. Er zog darum in Reims eine klare Linie zwischen dem Konzil, zu dem er die vier Königreiche aufgerufen hatte, und dem Konsistorium, das die Lehre Gilberts überprüfen sollte. Zu diesem Zwecke hielt er auch, soweit bekannt ist, keinen einzigen Spanier zurück sondern nur solche, wie Otto schreibt, auf deren Urteil er mehr vertraute und deren Heimweg kürzer war.⁵³

Zusammenfassend kann man darum sagen, dass Papst Eugen einen Boten mit der schriftlichen Aufforderung zum Konzil nach Spanien sandte, das am *Laetare*-Sonntag 1148 beginnen sollte. Vermutlich begab sich dieser zu den Erzbischöfen, die dann ihre Suffragane und die Äbte ihres Bistums informierten. Die Botschaft konnte noch im Jahre 1147 allen, die in Frage kamen, bekannt werden. Auch König Alfons wurde verständigt, der gerade zu Palencia hofhielt. Vielleicht ehrte ihn Papst Eugen mit einem besonderen Legaten. Alfons rief 1148 die Prälaten seines Königreiches zusammen, um den päpstlichen Befehl vorlesen zu lassen. Nicht nur die Spanier sondern alle, die dem Geheiss nicht folgten, wurden in Reims summarisch suspendiert, was keine geringe Bestürzung hervorrief. Daraufhin wandte sich Alfons an den Papst, der mit Rücksicht auf den König die Suspension aufhob. Für die Annahme, dass die Untersuchung der Lehrmeinungen Gilberts beim Aufruf zum Konzil irgend eine Rolle spielte, liegen keine glaubenswürdigen Unterlagen vor.

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⁵³ *Gesta Frid.* I, 58; S. 82: Itaque finita synodo... prudentiores et viciniore ad causam episcopi Gilliberti terminandam reservantur. Vgl. Johann von Salisbury, *Hist. pont.* 4, S. 12: Sic autem conclusum est, retentis maioribus personis ad quedam negocia diffinienda. Es findet sich kein Spanier unter den Erzbischöfen, Bischöfen und Äbten, die als Teilnehmer am Konsistorium von Reims bekannt geworden sind. Vgl. Häring, "The Writings against Gilbert of Poitiers by Geoffrey of Auxerre," *Anal. Cist.* 22 (1966), 33-35.

The Apocryphal and Historical Backgrounds of "The Appearance of Our Lady to Thomas" (Play XLVI of the York Cycle)

CAROLYN WALL

GENERALLY considered as distinctive of one of the York Cycle's later revisions,¹ Pageant XLVI, "The Appearance of Our Lady to Thomas," is composed of twenty-four rhymed and concatenated stanzas, each thirteen lines in length and adorned by alliteration.² The play contains three brief Latin antiphons to the Virgin,³ with two separate musical settings for each song, the second setting in each case more elaborate than the first. Although no interior subdivision is indicated in the manuscript, the action of the play falls neatly into three episodes, each comprised in eight stanzas. As the scene opens, the apostle Thomas is returning to Palestine from India where he has been engaged in missionary labors.⁴ In a lament extended through the first five stanzas he recalls the events of the Passion of Jesus, with the Resurrection and his own initial failure to believe in it. Admitting that he longs to see his 'felaus' again, Thomas suddenly finds himself in the Vale of Josaphat. Seeing that he is so near his destination, he lies down to rest. He is awakened by a vision of Mary, the mother of his Lord. Twelve angels stand about her singing the first of the two-part Latin antiphons,⁵ after which each angel in turn

¹ See Hardin Craig, *English Religious Drama of the Middle Ages* (New York, 1955), 224-25; and Jesse Byers Reese, "Alliterative Verse in the York Cycle," *SP* 48 (1951), 639-686.

² The stanzaic formula of York XLVI is ababbc₄bc₄deec₂d₃; Craig mistakenly gives it as ababbc₄c₃ddd₂c₃ (p. 232).

³ That all twelve angels participated in the singing is open to doubt. Polyphonic music for soloists existed as early as the thirteenth century, but not until the mid-fifteenth did manuscripts call for — or even permit — *choral* singing. See Manfred F. Bukofzer, *Studies in Medieval and Renaissance Music* (New York, 1950), 181.

⁴ According to the apocryphal Acts of Thomas, the apostle did indeed go to India after the Ascension where he pursued an eventful and even romantic missionary career which culminated in heroic martyrdom. For full discussion of Thomas's apocryphal apostolate, see F. Amiot, *Évangiles apocryphes* (Paris, 1952), 262-274.

⁵ The words of these Latin antiphons are derived ultimately from the Old Testament, those of the first two specifically from the Canticle of Canticles, ii, 10 and 13; iv, 8. Several liturgical texts embody these words, and a nearly identical version of the words to the three York songs is found in the *Legenda Aurea*.

speaks a line of summons to the Virgin and the second antiphon is sung. There is an extended exclamation of wonder by Thomas, followed by a simple dialogue in which Mary reveals to him that she is going to join her fair child, to be with Him forever. Thomas, realizing that she is his 'sovereign lady,' echoes the angelic praises with a twelve-line 'Hail!' apostrophe. Mary then commands him to go to his brethren and tell them of her departure, for they — all present at her death except Thomas — will not know to what 'welthe I ame wendande.' At first Thomas laments the 'drerye destonye' that kept him from her death-bed, as once before it had kept him from the company of his fellows at a climactic moment. He declares he will 'bow' his 'bones' to obey her, although he foresees clearly that his message will not be believed. Then Mary bestows upon the diffident apostle her 'girdill / Full fresshe of hewe'⁶ as a token of the reality of her presence and words. Thomas, realizing now that he need not fear the rejection and scorn of his fellow-apostles, sees also that this is the gracious mother's way of restoring him to his position of trust among them: now *he* is the one to whom heavenly favor is shown, and *they* the ones who, at first, will refuse to believe. A third antiphon is sung by the angels and Mary retires.

The final episode comprises the eight stanzas in which Thomas' meeting with four of his fellow apostles is presented: their astonishment, disbelief, and reproach at his strange words — followed by their equally ready and genuine apology to him after seeing both the 'girdill' and the empty tomb. In the concluding stanza, with Mary's assumption to heaven established and Thomas re-instated among his peers, the five apostles part to continue their missionary work in mutual love and brotherhood.

Accounts of the assumption of the Virgin formed an extremely popular type of literature in the early centuries of the Eastern Church, the sixth century having been the "golden age" of *transitus Mariae* apocrypha.⁷ Sometime between 610 and 649 John, Archbishop of Thessalonica, wishing to eliminate heretical and fanciful details from the current accounts, endeavored to provide a narrative which would remain faithful to those circumstances of Mary's last days on earth considered to be true. In composing his discourse he had at his disposal numerous accounts, some varying widely in detail, and he found great difficulty in separating the

⁶ There seems to be no evidence, textual or otherwise, for Craig's description (*op. cit.*, 233) of the girdle as *blue*.

⁷ Martin Jugie, *La mort et l'assomption de la Sainte Vierge: étude historico-doctrinale* (Vatican City, 1944), *Studi e testi*, 114, p. 138. See also Walter J. Burghardt, S. J., "The Testimony of the Patristic Age Concerning Mary's Death," *Marian Studies*, 8 (1957), 70.

wheat from the cockle. What he presents is, of course, no less apocryphal than his sources; yet his sermon is of value as certifying that there were as early as the century preceding John himself many accounts of the 'dormition' of Mary, which, moreover, had had sufficient time to diverge alarmingly. The epilogue, which relates the events occurring after the death of Mary, was found by Père Martin Jugie, the editor of the *Discourse*, to vary so greatly in the fifteen manuscripts available to him, that he was forced to present several versions of it along with his reconstruction of the primitive text.⁸ One of these deviant epilogues⁹ narrates the story of the girdle.

The apostles carried Mary, the Mother of God, to the monument as Jesus had commanded them and laid her within it. And all the apostles remained with one mind guarding the sepulchre for three days. And she arose on the third day, but the apostles did not know of her resurrection. And when heavenly spirits were taking her up in the clouds, Thomas the apostle came on his way at that same hour and made his way up to those clouds; and when he had venerated her he said, "Where, my Lady, are you going?" She replied, "I go where the Lord wills." And so she handed to him her precious cincture. Thomas, coming to the apostles, narrated to them the bodily assumption of the Mother of God, showing them also the holy cincture which she had given him in confirmation of her words.¹⁰

This epilogue may — as an appendage to the primitive account of Mary's dormition — be considerably later than John of Thessalonica's original sermon. Probably earlier than the epilogue is the so-called Euthymiac legend, which relates how St Thomas, arriving after Mary's burial, caused the tomb to be opened and so, with the other apostles, discovered it to be empty, containing only the funeral garments with roses and lilies springing up. This legend is found in the eighth century homily of St John Damascene on the Dormition of Mary. The legend itself, however, is considered to be a later (ninth century) interpolation into the Damascene homily;¹¹ it derives almost word-for-word¹² from another document, a certain "Letter to Titus" attributed to the Pseudo-Areopagite. This letter is a short account in Armenian dating from the end of the seventh century or the beginning of the eighth. In it, presumably, Denis the Areopagite, first Bishop of the Athenians, replies to a question put by Titus, Bishop

⁸ *Dormitio dominae nostrae Deiparae ac semper virginis Mariae* of John, Archbishop of Thessalonica, *Homélies mariales byzantines*, in *Patrologia Orientalis*, 19 (1926), 344-438.

⁹ The Greek Athonite MS. Jugie's Latin translation is on p. 436.

¹⁰ Translated from P. Carolus Balic, O. F. M., *Testimonia de assumptione beatae virginis Mariae ex omnibus saeculis* (Rome, 1948), I, 28.

¹¹ Jugie, "Le récit de l'histoire euthymiaque...", *Échos d'Orient*, 25, (1926), 385-392.

¹² Jugie, *La mort et l'assomption...*, 158.

of Crete, on the subject of the death and assumption of the Holy Virgin. Originally composed in Greek, this narrative is the first in which there appears the episode of an apostle arriving too late to assist at the entombment of Mary, and so being the cause of the re-opening of her tomb. However, this 'letter' is, as Jugie remarks, doubly apocryphal: it is the work of an author other — and later — than the Pseudo-Dionysius.

Although it does not identify the late apostle, the "Letter to Titus" is undoubtedly the source from which the Arabian legend, a tenth century recension from a Syriac version of the sixth century Greek *Transitus* attributed to St John the Evangelist, drew the episode of Thomas *sero veniente*.¹³ Unless the unique and undatable epilogue to John of Thessalonica's *Sermon* is earlier, this narrative is the first to include Mary's gift of the cincture. Edited and presented in a Latin translation by Maximilien Enger in 1854, it recounts that Mary was entombed in the Valley of Josaphat in the absence of Thomas. He, returning to Jerusalem on a miraculous cloud, perceives Mary being carried to heaven by angels. The Virgin bestows upon him her blessing and — as a remembrance — her cincture. When he rejoins his colleagues, Thomas refrains carefully from telling of his vision and adopts instead his all-too-familiar attitude of incredulity upon hearing of Mary's death and entombment. He declares that her body will not be found in the tomb. In order to convince him Peter has the tomb opened, and at last Thomas relates his vision and displays the cincture of Our Lady.¹⁴

There are several other Arabian versions similarly descended (from a Greek prototype through Syriac versions) which record the story of Thomas' late arrival and of his vision of Mary being carried into heaven by angels; but only one includes the gift of the cincture. When these translations from the Syriac into Arabic were made it is impossible to determine with accuracy.

On the basis of accretion of detail, it would seem that the legend began with the "Letter to Titus" (an apostle arrives late and causes the tomb to be opened), grew in the Euthymiac legend (the apostle is identified as Thomas), and attained relative completeness in the Epilogue to John of Thessalonica and the above-mentioned Arabian legend. (Mary bestows the cincture). From one or other of these, or from some source now lost, the accumulating details of the legend made their way from the East into the West sometime in or shortly before the twelfth century.

The first written account of the cincture legend to appear in the West

¹³ *Ibid.*

¹⁴ Jugie, 123.

is that found in certain thirteenth and fourteenth century Italian narratives (three of which form the basis of Constantin Tischendorf's *Transitus A*),¹⁵ and almost simultaneously, it would seem, in the mid-thirteenth century *Legenda Aurea* of Jacobus de Voragine. The latter gives it only the following brief mention:

Thomas autem cum abesset et rediens credere recusaret, subito zonam, qua corpus eius praecinctum fuerat, ab aere recepit illaesam, ut vel sic intelligeret quod totaliter fuisset assumpta.¹⁶

Caxton's English translation of the *Legenda*, first printed in 1483,¹⁷ is too late to have been useful to the playwright of York XLVI; moreover, although there is good reason to suppose that he was directly or indirectly familiar with the original, he would not have chosen to avail himself of a scanty account when, as we shall see, there were fuller ones at hand.¹⁸

Tischendorf, in editing the two distinct Latin versions of the *transitus Mariae*, labelled them 'A' and 'B' on the basis of what he considered their chronology; the latter, however, the 'Pseudo-Melito,' is now known to be the earlier. This apocryphon, falsely attributed to St. Melito, a second-century Bishop of Sardis in Lydia, dates from about 550 and derives from a fragment of the Syriac *Obsequies of the Holy Virgin* of the fifth century. Because of its antiquity and its orderly narration of events, this version is considered the standard Latin account and the prototype of many related ones.¹⁹ In it, John, the Beloved Apostle, is brought from Ephesus by a cloud and set down before the door of the house where Mary dwelt. Later, "all the apostles were lifted up on a cloud and caught away from the places where they were preaching" and brought into the presence of Mary. No mention is made of the apostle Thomas.

Transitus A, considered by M. R. James and others to be merely "a late Italian fiction,"²⁰ is based upon three Latin codices: Vatican 4363 of the thirteenth century, Ambrosiani O 35 of the fourteenth century, and Laurentini B, a Florentine codex which diverges considerably from

¹⁵ *Apocalypses apocryphae* (Leipzig, 1866), 113-123.

¹⁶ *Legenda Aurea*, ed. Th. Graesse (Dresden & Leipzig, 1848), 509.

¹⁷ C. P. Farrar and A. P. Evans, *English Translations from Medieval Sources* (New York, 1946), 262.

¹⁸ On the other hand, it has been established that the elaborate Hegge Assumption play is directly related to the *Legenda*. See *Ludus Coventriae*, ed. K. S. Block (London, 1922), *EETS*, c.s., 120, Introd., p. XLIV. The cincture episode does not enter into this play.

¹⁹ M. R. James, *The Apocryphal New Testament* (Oxford, 1926), 209-216. James here gives an English translation of *Transitus B*.

²⁰ James, 216-218, gives an analysis of *Transitus A*. See also Jugie, *La mort et l'assomption...*, 156-157.

the other two. Being "beaucoup plus verbeux que celui attribué à Mélicton à Sardes,"²¹ it is now admitted to be among the latest in point of chronology; and it is in this version of Mary's 'passing' that we find the episode of the cincture.

Attributed to Joseph of Arimathea, for whom, according to the narrative, Our Lady had sent upon hearing from the angel Gabriel of her approaching death, the account relates that her body was borne by the apostles to the Valley of Josaphat and placed in a tomb, the apostles weeping and singing in their great love for her. Suddenly the heavens were illumined, the apostles fell to the ground, and — without their knowledge — the body of Mary was assumed into heaven. Then follows the narrative of Thomas's vision, the gift of the cincture, the unbelief and reproach of Peter and the other apostles when Thomas declares that Mary is not in the tomb, their amazement when he produces the cincture and they recognize it as the one which they themselves had placed upon her, their apology to Thomas who had received her parting blessing, and finally, Thomas' blessing of his brethren with the words "Ecce quam bonum et quam iucundum habitare fratres in unum."²²

It is this *Transitus A* narrative which Lucy Toulmin Smith considered the source of York's "The Appearance of Our Lady to Thomas."²³ It is not, however, necessary to assume that the York playwright depended directly upon the Italian narratives for his detailed presentation of the legend. A number of non-dramatic English versions of the cincture episode flourished in the liveliest way throughout the fourteenth century in collections of saints' lives, homilies, and sermons. Moreover, certain continental art forms display the details of the legend from the twelfth century through the sixteenth, with varying degrees of sophistication. A brief survey of artists' renderings, and then of non-dramatic literary versions will show both the extent of its currency in the early fifteenth century cultural mainstream and the importance of the York text as its unique surviving dramatic version.

²¹ Amiot, 124. See also E. Cothenet, "Marie dans les apocryphes," *Maria: études sur la Sainte Vierge*, 6 (1961), 142: "Les complications qu'y reçoit la légende suffisent à prouver sa postériorité."

²² Tischendorf, 119-121.

²³ Introd., p. XLIX. See also P. Kaman, *Anglia*, 10 (1888), 189 ff. In this matter of apocryphal source an irritating inaccuracy in Craig's work must be noted. On p. 156 (*English Religious Drama of the Middle Ages*) one finds: "The Gospel of St Thomas, one of the oldest and most popular of the New Testament apocrypha, enters with other apocryphal works strongly into the fifteenth century plays of the Death and Assumption of the Blessed Virgin Mary." However, this apocryphal gospel (see English translation provided by James, 49-70) contains no reference whatever to the death and assumption of Mary. The narrative is concerned exclusively with the infancy and childhood of Christ.

In her article, "Medieval Alabasters in American Museums" (*Speculum*, 30, 1955, 65), Augusta S. Tavender describes an English alabaster owned by the Walters Gallery, Baltimore: "Panel of retable. Composition combining Coronation and Assumption of the Virgin... Thomas receives girdle ...XVc. Height 15". No. 27.8." She notes that the production of alabaster sculpture, which had begun in the fourteenth century, took place in English shops where the artists had access to the "fine native stone."

While this fifteenth century piece shows that England was not without graphic representation of Our Lady of the Girdle, it is Southern France that offers perhaps the oldest representation in Western graphic art of the legend which forms the 'plot' of the York weavers' play, and Italy that affords the greatest number of examples. The tympanum of the church of Cabestany, dating from the twelfth century, shows the Virgin's cincture being thrown to Thomas.²⁴ An Italian miniature of the thirteenth century copied by the Comte Bastard d'Estang²⁵ also provides an early example, and it is in Italy rather than in France that the theme appears to have flourished. In spite of the great popularity of the death and assumption legends in medieval France,²⁶ the girdle-legend seems to find no place at all in thirteenth century French graphic art or sculpture; and in the following century, although several themes known to be of Italian origin do appear in French art (particularly scenes from the infancy of Christ and from the passion),²⁷ the theme of the Madonna of the Girdle does not figure among them. Until the fifteenth century, the episode was confined almost entirely to Italian fresco and bas-relief and localized to the town of Prato and its greater neighbors, Florence and Siena.²⁸

A twelfth century origin of the Western 'cult' of the girdle, considering the much earlier Eastern antecedents of the legend, is by no means unlikely, especially in view of the tradition attached to the relic itself. According to this tradition,²⁹ after the crusade of 1096 the Virgin's cincture was brought back from the East as a holy relic by one Michael of the Dogomari family, a citizen of Prato. At his death it was bequeathed to the Bishop of Prato and preserved with honor by him and his successors. The subsequent popularity among the Tuscans of the legend associated

²⁴ Emile Mâle, *L'Art religieux du XIII^e siècle* (Paris, 1948), 256, n. 1.

²⁵ *Archaeological Documents in the MS of the Comte de Bastard*, 3, f. 21 (Cabinet des Épreuves). Cited by Mâle, *loc. cit.*

²⁶ Mâle, 249.

²⁷ Mâle, *L'Art religieux de la fin du moyen-âge en France* (Paris, 1925), Ch. I, *passim*.

²⁸ See Louis Réau, *Iconographie de l'art chrétien* (Paris, 1955), 2, 618.

²⁹ A. B. Jameson, *Legends of the Madonna as Represented in the Fine Arts* (London, n.d.), 446-448. See also Karl Kunstle, *Iconographie der Christlichen Kunst* (Freiburg, 1928), 1, 582-583.

with this relic — that of Our Lady's appearance to Thomas — is in all probability due to Prato's possession of the cincture itself.³⁰ That it was a proud possession indeed is suggested by certain references in Iris Origo's study of the great Prato Merchant Francesco de Marco Datini:

On September 8 — the feast-day of the *Madonna della Cintola* — a great annual affair was held, which brought wool and cloth merchants to Prato from all over Europe.

It was Francesco who offered hospitality to any distinguished guest who came to gaze upon the precious relic in the Cathedral, the Virgin's girdle

The distinguished guest [Charles VI's ambassador to Florence] was coming to Prato to see the city's treasure, the *Madonna della Cintola*.

Louis II of Anjou... declared he also wished to take this opportunity of venerating the Virgin's girdle.³¹

The legend had an enviable career in Italian Renaissance art. It was handled by the early and middle fourteenth century painters Bernardo Daddi (active between 1312 and 1348), who painted seven scenes from it on the predella of the altar in the *Cappella del Sacro Cingolo* in the Duomo of Prato,³² and Andrea Orcagna, who in 1359 executed a bas-relief for the tabernacle d'or in the Church of San Michele, Florence, as well as a fresco of the *Madonna della Cintola*. But the artist chiefly associated with the legend in the mid-fourteenth century is Agnolo Gaddi, who about 1365 painted the thirteen frescoes which adorn the walls of the Chapel of the Cincture in Prato. The chapel, erected in 1320, is a parallelogram in shape. As one enters, the left wall presents paintings of scenes from the life of the Virgin up to the nativity of Christ. The end wall contains the scene of the Assumption. In it the tomb of Our Lady is shown surrounded by the apostles, while above, she herself floats heavenward, seemingly in the act of removing her cincture; Thomas, kneeling below, is stretching out his arms to receive it. Above this scene, a circular stained glass window depicts the Coronation of Our Lady. On the right wall the subsequent history of the cincture is portrayed in six scenes, from its consignment by Thomas into the care of his trusted disciple to its ultimate bestowal upon the Bishop of Prato with the dying injunction of Michael Dogomari that it be preserved in the Cathedral with becoming honor and occasionally presented to the people for their pious veneration.³³

³⁰ C. Piana, O. F. M., *Assumptio Beatae Virginis Mariae apud scriptores saec. XIII* (Rome, 1942), 30. See also Mâle, *L'Art religieux du XIII^e siècle*, 256.

³¹ *The Merchant of Prato: Francesco de Marco Datini, 1335-1410* (New York, 1957), 37, 378-381.

³² Bernhard Berenson, *Italian Pictures of the Renaissance: a list of the principal artists and their works, with an index of places*. Florentine School (London, 1963), pl. 176.

³³ Jameson, *loc. cit.*

The proximity of Florence to the smaller, though prosperous, town of Prato accounts for the popularity of the theme of the *Madonna della Cintola* with four or five subsequent generations of Florentine and Siennese artists. Among those whose treatment of the legend falls during the period of accretion, revision, and gradual formation of the York Cycle of mystery plays in England, the following artists may be mentioned: Mariotto di Nardo (triptych reproduced in Berenson, pl. 517); Bartolo di Fredi and Taddeo di Bartolo, Siennese artists whose careers span the late fourteenth and early fifteenth centuries; and the Master of the *Bambino Vispo*, active early in the fifteenth century, whose *Madonna della Cintola* (Berenson, pl. 470) is now in the Fogg Art Museum, Cambridge, Massachusetts.

At the beginning of the fifteenth century, the probable period of the composition or the alliterative revision of York XLVI, the theme of the *Madonna della Cintola* was still approaching the height of its popularity with Italian painters. Throughout the fifteenth and well into the sixteenth century Our Lady as the heroine of this legend was portrayed by the great³⁴ and by the mediocre, and by several artists more than once. Neri di Bicci, for example, is known to have painted her six times (1419-1491), one of his pictures being now in the Museum of Art, Johnson College, Philadelphia.

These later paintings of the *Madonna della Cintola* are now scattered through-out the churches and galleries of Europe, although the lists given by Berenson indicate a concentration in those of Rome, Florence, Siena, and of course the Madonna's own city of Prato.

Turning from the graphic arts to the literary, and to drama in particular, one finds that the vernacular Assumption play, developing in the early and middle fifteenth century both on the Continent and in England, seems to have arisen without the advantage of Latin forebears. The subject has "little or no precedent in the liturgical drama as we know it — no Latin antecedents or analogs."³⁵ Moreover, as Karl Young points out, in view of the fact that other events in the life of the Blessed Virgin were frequently dramatized, and that the feast of the Assumption had been officially established in the West as early as the eighth century³⁶ and the legends associated with that event widely circulated, "the relative absence of dramatic celebrations is not easily explained."³⁷ One must,

³⁴ Rafael's *Coronation of the Virgin*, perhaps the most famous of all the paintings which contain the cincture legend, was actually executed by his pupils in 1502.

³⁵ Virginia Shull, "Clerical Drama in Lincoln Cathedral, 1318-1561," *PMLA*, 52 (1937), 960.

³⁶ For a reliable account of this, see William O'Shea, O. P., "The History of the Feast of the Assumption," *The Thomist*, 14 (1951), 118-132.

³⁷ *The Drama of the Medieval Church* (Oxford, 1933), II, 255.

apparently, assign the development of the vernacular plays to "the general growth of the cult of the Virgin in the later Middle Ages," and the common characteristics they present not to a common Latin antecedent but "to the widespread popularity of such general sources as the *Legenda Aurea*."³⁸

Vernacular dramatizations of the Assumption exist in French, Italian, Spanish, and German as well as in English, though not all contain the episode of the cincture. In spite of the lion's share taken by the earthy *miracles de Notre Dame*, Old French religious drama is not entirely without plays based upon Scripture and the familiar apocryphal writings. L. Petit de Julleville describes one Old French mystère, *L'Assomption de la Vierge*, dating from the fifteenth century. Composed of 3,000 verses and containing no fewer than 39 characters, it must have been fairly elaborate; we read, for example, that "le son des orgues se mêlait souvent au dialogue dans beaucoup de passages indiqués avec soin."³⁹ This play, broadly contemporaneous with the latest revision of York, also contains the episode of Thomas and the cincture; however, the version of the legend followed by the Old French playwright is that of the *Legenda Aurea*, not the Italian narrative used by the York dramatist.⁴⁰

Julleville mentions three other Old French *mystères* which he says are more or less imitated from this *Assomption*, and it is therefore reasonable to suppose that they too contained the cincture episode. One, indeed, *L'Ascension de la Vierge*, preserved in a late fifteenth century manuscript "en très mauvais état" at the library of Rodez, contains an addition to the legend: "La ceinture jetée du ciel sert a guérir, entre autres malades, un 'fol' qui avait égayé la pièce en débitant cent sottises."⁴¹

The popularity of the cincture legend in Italian art is reflected only slightly in Italian religious drama. This drama took its rise from the thirteenth and early fourteenth century *laude*, songs or hymns of praise sung by associations of religious *disciplinati*, which — under the combined influence of the dynamic *ballata* form, the enthusiasm of the Flagellants, and the contemporaneous liturgical plays — tended quickly to become

³⁸ Shull, *loc. cit.* Father C. Piana, after discussing other forms of thirteenth century Assumption literature, states that neither he nor Coussemaker nor Jeanroy can produce a single example of liturgical Assumption drama in France (*op. cit.*, 127, n. 47); see also Edith A. Wright's *The Dissemination of the Liturgical Drama in France* (Bryn Mawr, Penn., 1936), Appendix A, which fails to include reference to any liturgical play of the Assumption.

³⁹ L. Petit de Julleville, *Les Mystères* (Paris, 1880), II, 470.

⁴⁰ According to Julleville's description, "Le miracle de l'Assomption s'accomplit sous les yeux des spectateurs. Thomas seule reste incrédule, et pour le convaincre, la Vierge du haut des cieux, lui jette sa ceinture..." (*op. cit.*, 471).

⁴¹ Julleville, 474.

dramatic in character. Their peak of development was reached in the great Florentine *sacre rappresentazioni* of the fifteenth century. Although these latter were frequently drawn upon by painters⁴² throughout the century, and they certainly included many scenes from the life of the Virgin as well as from that of Christ, it is among the early and far simpler *laude* that the only Italian literary rendering of the cincture episode is found.

The details of this Italian version are, of course, those previously noted in the discussion of Tischendorf's *Transitus A*, a Latin narrative based on Italian manuscripts. Nevertheless, in view of Professor Craig's confusion of the several versions of the cincture legend, it will be well to state once more the essential outline of this version in order to recognize it clearly as the ultimate source of York XLVI:

While all the other apostles, by divine intervention, were present at the passing of the Virgin, Thomas, as soon as he understood that Mary was about to die, hastened on his way; but when he came near to Jerusalem, to the Mount of Olives, he beheld Mary ascending bodily to heaven. The apostle weeping and begging a token *in order that the other apostles might believe in her Assumption*, the Virgin handed to him the cincture which she had worn.⁴³ (*Italics mine*)

The *lauda* which contains the legend survives in two forms, one compressing the story into a single quatrain and the other presenting an amplified account. In the former, Thomas simply announces that he has seen the Virgin ascending bodily to heaven.⁴⁴ The latter, adhering faithfully to the apocryphon, narrates the entire episode; it forms the conclusion of the *lauda* known as "Ave Donna Santissima," attributed to the thirteenth century poet Garzo.⁴⁵

Proof that the legend concerning the late arrival of Thomas and the Virgin's appearance to him had penetrated into Spain by the fifteenth century is afforded by a lyrical drama, "Le trespas et L'assomption de la Vierge," edited in its two extant revisions by Felipe Pedrell in 1906.⁴⁶ The first of the two revisions, that of 1492, is said to have "tacked on" the episode of Thomas of India, possibly because a way to India was at the time much in the public mind. The entire drama is composed of two parts: the Death of the Virgin, performed on the eve of the feast, and the Assumption on the next day. Toward the end of the latter, angels descend upon the tomb singing to a harp and mandoline accompaniment:

⁴² Frederick Antal, *Florentine Painting and its Social Background* (London, 1948), 140.

⁴³ Translated from Piana's Latin, 28-29.

⁴⁴ F. Liuzzi, *La lauda e i primordi della melodia italiana* (Rome, 1934), II, 138.

⁴⁵ The eight stanzas containing this amplified form of the episode may be found in Liuzzi, I, 268-269 and in Piana, 29.

⁴⁶ *La Festa d'Elche ou le drame lyrique liturgique espagnol* (Paris, 1906).

(in Pedrell's French) "Levez-vous, Reine très haute, Mère de Dieu tout-puissant." Thomas enters, manifesting great surprise and admiration. The machine bearing Our Lady mounts just as the choir of angels finishes the last strophe of the hymn, and Thomas cries, "Quel malheur ! Pourquoi n'ai-je pas été présent à ce saint ensevelissement ? Pardonnez-moi, Vierge pieuse, car les affaires des Indes m'ont retenu." Pedrell infers the existence of a drama of the late thirteenth or fourteenth century — possibly in Latin — as the original of which the two versions he presents are redactions. However, this inferred drama itself must have been inspired by a similar play coming from the literature of the Provençal troubadours, whom Pedrell considers "moins ignorant de l'art théâtral qu'on ne l'a maintes fois prétendu." As far as the entrance of Thomas is concerned, one should, perhaps, conclude that the Catalan playwright, omitting from his scene Our Lady's gift of the cincture, was not familiar with the expanded and circumstantial version of Thomas's adventure which had — long before 1492 — achieved currency in Italy and, as will be seen, in England.

Although there is a German Assumption play contained in a manuscript dated 1391, which attests to the currency of apocryphal lore, this *Himmelfart Maria*⁴⁷ contains no allusion to Thomas in particular; all twelve Apostles are called to the bedside of Our Lady. Georges Duriez, in his study of the apocrypha in medieval German drama,⁴⁸ compares some of the earliest writings on the Assumption with the vernacular mystery plays in order to observe their possible interrelations. All of these accounts⁴⁹ are either themselves apocryphal or are sympathetic to the apocrypha, and two of them, the *Assumptio Mariae* of Conrad of Heimesfurt (11.979-1096) and the *Legenda Aurea* report the incident of Thomas' late arrival and the gift of the cincture. Nevertheless, the playwright of the *Himmelfart Maria*, though he incorporated many apocryphal details into his 3,168 lines of verse and probably knew the story of Thomas from the two sources mentioned, did not choose to include the episode in his drama. As to the interrelations between the various latin and vernacular, dramatic and non-dramatic versions, Duriez' conclusion is not as neat, but quite as realistic as the historian could wish: "Sans oser affirmer que les poètes allemands du moyen-âge se sont inspirés de l'une plutôt que de l'autre,

⁴⁷ Franz Joseph Mone, *Altdeutsche Schauspiele* (Quedlinburg and Leipzig, 1841), 21-106.

⁴⁸ *Les apocryphes dans le drame religieux en Allemagne au moyen-âge* (Lille, 1914).

⁴⁹ The Latin apocryphon from Tischendorf, the *Legenda Aurea*, the *Assumptio Mariae* of Conrad of Heimesfurt, the *Speculum historiale* of Vincent of Beauvais, and *Le Vieux Passional*. At the termination of his account of Our Lady's Assumption, Vincent remarks: "Haec historia licet inter apocryphas scripturas reputetur, pia tamen videtur esse ad credendum." Emile Mâle (*L'Art religieux de XIII^e siècle*, 250, n. 1) observes, "C'est bien là le sentiment de l'Église du moyen-âge."

on peut au moins supposer que s'ils recoururent aux apocryphes, ils conquirent aussi les versions qu'en avaient faites leurs contemporains, car les points de contact... sont trop nombreux pour qu'il soit permis de douter que les auteurs successifs ne se soient fait de larges emprunts."⁵⁰

The middle high German poem of Conrad of Heimesfurt,⁵¹ composed around the first quarter of the thirteenth century, reproduces the narrative of Our Lady's Assumption according to Tischendorf's *Transitus B* in the main; however, in order to include Thomas (whose story occurs only in *Transitus A*) Conrad had to re-shape the narrative. His version thus relates that all the Apostles saw the Assumption of Mary except Thomas. The Apostles pity Thomas and assume that he will be as reluctant at first to believe in the resurrection of Mary as he once was to believe in that of Christ. On hearing this, Thomas replies that, on the contrary, he does believe, the more because he too has seen Our Lady rise to heaven. As proof of this he shows them the girdle which Mary has given him. This version approaches more nearly the narrative line of the Italian legend, though it lacks the important structural detail of which the York playwright makes capital: that at the time of Thomas' late arrival the other Apostles still have no knowledge of Mary's Assumption, and — with true poetic justice — disbelieve *him*.

Only a little later than the German *Assumptio* of Conrad,⁵² the apocryphal narrative of the Assumption appears in English verse. The oldest form, a 240-line fragment dating around the middle of the thirteenth century, is southern in dialect, giving ground for the assumption that one of the middle southern counties was the place of its origin.⁵³ Since the narrative breaks off before the death of the Virgin, this early fragment does not include the episode of Thomas and the cincture. Nevertheless, that the total narrative may well have included it is rendered likely by its presence in a later retelling of this same *Assumptio Mariae* in Br. Mus. Add. MS 10036. This much longer poem⁵⁴ of 904 verses, dating probably from the second half of the fourteenth century,⁵⁵ shows traces of a more northern

⁵⁰ Duriez, 71-72.

⁵¹ *Assumptio Mariae*, ed. by Franz Pfeiffer in *Zeitschrift für deutsches Altertum*, 8 (1849), 156-200.

⁵² Its date has been given as c 1210 by F. Gierth, *Engl. Stud.*, 7 (1884), 8.

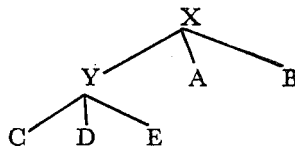
⁵³ Entitled "Assumpcioun de Notre Dame," this poem is transmitted in the mutilated Cambridge University Library MS. Gg 4.27.2. It was edited for the Early English Text Society by J. Rawson Lumby, o.s., 14, 44-50, in 1866.

⁵⁴ Also edited by J. Rawson Lumby in *EETS*, o.s., 14, 75-100. The poem was reprinted by R. Morris as an appendix to his edition of *Cursor Mundi* (London, 1877), *EETS*, o.s., 66, 1638 ff.

⁵⁵ See F. Gierth, "Ueber die älteste mittelhochdeutsche version der *Assumptio Mariae*," *Englische Studien*, 7 (1884), 12.

origin (e.g. some present participles in *-and*, 11.768,858), and relates the episode of Thomas and the cincture in seventy lines (775-845) just before the end.

This original form of the poem is transmitted in three other fourteenth or fifteenth century manuscripts, and all five renderings have been subjected by F. Gierth to a detailed verbal analysis in order that their interrelations might be established, if possible. Designating the five as A (Gg 4.27.2), B(Add. 10036), C(Harley 2382), D(Dd I,1) and E(Ff II.38.23), Gierth found that A and B fell into one group and C, D, and E into another, but that in spite of these affinities none of the five could be considered the source of any other. He presented these conclusions in the form of the following *Stammbaum*:



A sixth rendering, contained in the Manchester Chetham Library MS 8009, was studied the following year in a similarly detailed manner⁵⁶ and found to belong neither to group AB nor to CDE. It seems to be a compilation from different manuscripts with its origin in word-of-mouth rather than written transmission.

In spite of the fact that none of these narratives seems to come directly from another, their interrelationships suggest, as Gierth has shown, that they are all derived from a single source. Of the five renderings studied by this scholar, B and C relate the cincture episode in full detail.

The popularity of this thirteenth century *Assumpcioun de Notre Dame* with its variant re-tellings is suggested by the number of revisions it underwent and the number of manuscripts in which these survive. Of the former, the chief are the "Assumptio Mariae" in the *South English Legendary*, that in the *North English Homily Collection*, the relevant section of the *Cursor Mundi*, and the *rime couée Assumptio* in the Auchinleck manuscript. Of the twenty-nine manuscripts in which the *South English Legendary* survives, at least fifteen contain an Assumption narrative.⁵⁷ Only one of these,

⁵⁶ M. Schwarz, "Die *Assumptio Mariae* in der schweifreimstrophe," *Englische Studien*, 8 (1885), 427-464. Although this article deals primarily with the Auchinleck MS, Chetham MS 8009 receives careful attention: see especially p. 460.

⁵⁷ See Carleton Brown, *Register of Middle English Religious and Didactic Verse* (Oxford, 1916-1920), Part 2, Nos. 733, 1904. The *South English Legendary* has been recently edited from four

however, may be said with certainty to contain the episode of Thomas and the cincture. This is the late fourteenth century Lambeth 223. Complete and without lacunae, this MS includes under *Temporale*, item b5, a unique 365-line text of the Assumption which is clearly related to the older southern version in MS Add. 10036. Referring to MS Lambeth 223 as 'G' in his schema, Gierth affirms that, although it cannot be joined to either group in an absolute manner, it generally follows group AB, and where these two differ, the B narrative. Moreover, from 1.311, the appearance of Thomas, to the end G follows B and C against D and E. Thus, from the exact and painstaking scholarship of Gierth, it seems likely that in addition to MS Add. 10036, two of the still inedited manuscripts discussed so far, C(Harley 2382) and G(Lambeth), contain the episode of Our Lady's cincture.

The North English Homily Collection, composed probably in the early fourteenth century, survives in fewer manuscripts, but because of the intricacies of their relationships — the copyists having felt at liberty to add, insert, and select by every manner of lateral as well as vertical transmission — these few manuscripts permit us to infer that the northern collection was scarcely less popular than the southern. Because of the northern dialect of all but one MS, and because the ordering of the Sunday texts differs not only from that of Rome and Sarum but from the use of York as well, Carl Horstmann assumed that the homilies were composed in the diocese of Durham.⁵⁸ The *Assumptio Mariae* of the north English collection is recounted in 271 short couplets and includes the cincture episode. Discussed by Gierth as 'F', its final eighty-six lines deal with Thomas' late arrival, his vision, and Mary's gift. Gierth provides textual evidence to show that the north English *Assumptio* stands closer to group CDE in content as well as verse-form than to AB.

In summary, of the seven middle English non-dramatic renderings studied by Gierth, it is clear that four contain the episode of Thomas and the cincture: B, C, F(Harley 4196 and Cotton Tiberius E vii), and G. Of these, however, C and G remain inedited. Before leaving these legend and homily collections it will be well to recall the ordinary function of such works in thirteenth, fourteenth and fifteenth century English life. Their purpose was to provide reading material for convent and monastery refectories where silence habitually prevailed at meals, and also to conduce

MSS (all containing accounts of the Assumption of the Virgin, but none the episode of the cincture) by Charlotte D'Evelyn and Anna J. Mills (London, 1956, 1959), *EETS*, Nos. 235, 236 and 244.

⁵⁸ *Altenglische Legenden* (Heilbronn, 1881). Horstmann edits the text from two manuscripts: Harley 4196 and Cotton Tiberius E vii.

to the spiritual profit and pleasure of individual readers. The word 'pleasure' is here used advisedly, for saints' lives in these middle English collections were adorned with conversation, picturesque detail, and rapid action, all of which suggest that their author at least implicitly recognized as part of his function the *entertainment* of his readers or hearers. That he even attempted to imitate the writers of secular romances is suggested by his occasional use of French phrases and forms of address, such as "Beau Sire" — the appellation which, corrupted to "Bewsheris", crops up so incongruously in the York cycle. One detects a touch of the secular romance in such a line as "þe gerdel of hire middel smal;" and, indeed, the entire episode of Mary's gift to the devoted Apostle cannot fail to suggest the most characteristic detail of the secular romance: the lady's gift of some such personal article to her faithful knight.

The early fourteenth century *Cursor Mundi*, also considered a product of the Durham district, contains an account of the Assumption which follows MS Add. 10036 closely,⁵⁹ though with some additions and omissions — Thomas and the cincture being among the latter. Thus, although the *Cursor* has been compared to the York cycle on account of its comprehensiveness and completeness as well as its freedom from coarse jocularities and popular incident, and although several portions (notably the death and burial of Mary, 11.20065 ff) are as dramatic as the limitations of narrative couplet form will allow, the *Cursor* account fails to offer a rendering of the legend which York XLVI reproduces in play form.

The Auchinleck manuscript of the National Library, Scotland, 19.2.1 contains a version of the *Assumptio* in 732 lines of "tail rime": aabccb, dating around 1330-1340, in a Midlands dialect. Of all the vernacular narratives, this one is closest to York XLVI in verse structure, the bipartite *frons-cauda* pattern of the play stanza being a late development of the primitive *rime couée*. Ll. 1.565-708 narrate the story of Thomas and the cincture.⁶⁰

Thus, in addition to the MS Add. 10036 rendering of the 'original' *Assumptio* (ed. by Lumby) and that of the North English Homily Collection (ed. by Horstmann), a third rendering of the cincture legend in middle English is available for study, that of the Auchinleck MS (ed. by Schwarz).

It is difficult to estimate the influence of these non-dramatic versions of the *Assumptio Mariae* on the mystery playwrights. Since the manuscripts which contain them cover two centuries and all three major dialects,

⁵⁹ For purposes of comparison the poem from MS Add. 10036 is reprinted in Morris's edition of the *Cursor Mundi* (*EETS*, o.s., 66, 1877).

⁶⁰ Ed. M. Schwarz, see note 56.

it may be inferred that the Assumption legend — including the cincture episode — was known and prized throughout England precisely during the time of the growth and crystallization of the mystery cycles.

One final vernacular work must be mentioned: the Shropshire collection of prose homilies made by John Mirk. This work, compiled before 1415, and known as Mirk's *Festial*, contains brief sermons for the principal festivals of Christ and the saints arranged in the order defined by the ecclesiastical calendar. Altogether it includes "one of the largest collections of anecdotes, Mary-legends, *contes-dévots*, and legendary stories of all sorts that was ever made in English."⁶¹ Many of the legends are merely English renderings of portions of the *Legenda aurea*, and the episode of Thomas and the cincture in Mirk's sermon *De Assumpcione Beate Mariae*⁶² reproduces the *Legenda's* interpretation of the incident rather than that of the Italian *Transitus A* and the English narratives just discussed. The characteristic features of Mirk's version and that of Jacobus de Voragine in the *Legenda* are: 1. All the Apostles except Thomas witness, or at least know of the Assumption of Mary; 2. Thomas comes late and refuses to believe in the truth of that event; 3. In order to convince him, Mary appears to Thomas and bestows upon him her cincture. This narrative line is satisfying in that it effects a neat parallel between Mary's Assumption and the Resurrection of Christ — a parallel which would have been particularly pleasing to the medieval mind, always ready to perceive the reflection or reverberation of earlier events in later, and to see in all things signs and symbols of the great plan of God in regard to mankind. However, while this version certainly achieved currency through such popular works as the two above mentioned, it was by no means the predominant form which the legend took though the course of its western history from the early thirteenth to the middle of the fifteenth century. A comparative study of the three apocryphal writings which contain the episode (the Arabian Pseudo-John, the greek epilogue to John of Thessalonica's sermon, and the latin Pseudo-Joseph) together with the three edited non-dramatic English handlings of it, shows that in spite of minor differences and the gradual accretion of detail, there is complete agreement on the basic interpretation and meaning of the incident; and it is this meaning which the York playwright structures dramatically: 1. In the absence of Thomas Our Lady dies. The Apostles lay her body in the tomb, but know nothing of her subsequent Assumption; 2. Mary appears to Thomas as he is hurrying

⁶¹ G. H. Gerould, *Saints' Legends* (Boston, 1916), 185.

⁶² See *Mirk's Festial: A Collection of [Prose] Homilies*, ed. Theodor Erbe (London, 1905), *EETS*, c.s., 96, 221-227. See esp. 225.

toward Jerusalem. She bestows upon him her cincture either as a favor to console him after her departure, or as a token by which Thomas may prove to the other Apostles that he has actually seen her on the way to heaven; 3. Thomas hastens to find the Apostles, relates his story, and shows the cincture. The grave is opened and found empty. In the Arabic Pseudo-John and the latin Pseudo-Joseph, Thomas withholds the story of his vision, declaring only that Mary's body will not be found in the tomb. After the tomb has been opened and discovered empty, he triumphantly relates his vision and displays the cincture. In York and in the three non-dramatic vernacular versions, Thomas shows the cincture first, and — except in York XLVI — it is immediately *recognized* as the one in which she had been buried. The opened tomb is found to contain only flowers lying about (in Add. 10036 and north English versions). In the York play, the cincture, while not specifically recognized as that which "sche hure self wof, / we dide it on hure in þe beere", (Add. 10036, ll. 836-837), is nevertheless the subject of reverently lyrical praises by the four Apostles, to whom it is indeed, as she intended, a sign of Our Lady's Assumption and of her desire that they should know of her bliss.

A detailed verbal study of the relation of York XLVI to the three non-dramatic versions, such as Gierth's survey of the interrelationships of the various versions and revisions of the narrative *Assumptio Mariae*, would reveal occasional verbal echoes. For example, the York lines in which Thomas declares his vision:

Sirs, with hir haue I spoken
Lattar þanne yee

echo the North English

þan said Thomas: "breþir, lattes be !
I hawe hir sene latter þan 3e," (ll. 509-510)

and Auchinleck

"Felawes," quad Thomas, "so mot ich þe !
I saugh oure leuedi latter þan 3he." (ll. 628-629)

It is noteworthy, however, that in York alone of the vernacular versions does Mary address the apostle; thus Thomas can claim that he has *spoken* with her 'lattar þanne' the others. On the other hand, phrases characteristic of all three non-dramatic versions are sometimes omitted in York. For example, the words of reproach addressed (by John alone or by all the apostles together) to Thomas on his late arrival must have had a familiar ring to the medieval ear, since no copyist felt that he could make much of a change in them:

And þei answerde alle hym,
 And seiden, "thomas of ynde,
 Euer art þou bi-hynde,
 Whare hast þou so longe bene?
 We haue buried heuene quene. (Add. 10036, 11. 806-810)

"A," þai said, "Thomas of Inde!
 þou ert euermore bihinde!
 Whare has þou so longe bene,
 Whils we haue beried heuyn quene?" (North Engl., 11. 498-492)

þe god apostel, seint John,
 He spak to Thomas anon,
 þo he tok of him hede,
 And seide to him: "Thomas of Hinde,
 Euere more þou art bihinde:
 Where were þou at þis nede?" (Auchinleck, 11. 613-618)

The playwright of York XLVI, however, felt himself under no such compulsion, and Peter's gruff

What dois þou here?
 þou may nowe of þi gatis be gangand (11. 219-220)

marks perhaps a slight sophistication of the legend: at least it does not immediately freeze Thomas into the old mold.

The York detail of the four apostles' apology to Thomas is contained in none of the three edited narratives. These merely state that the apostles knelt around the empty tomb to honor the place where Mary had lain and to praise God whose power was shown in the miraculous event. Only the Latin Pseudo-Joseph mentions that the apostles ask pardon of Thomas and that he blesses them. This version anticipates York in stressing the note that perfect good fellowship is restored among the apostles, Thomas concluding the episode with the well-known Scriptural verse, "Behold, how good and how pleasant it is for brethren to dwell together in unity." The York line in which Thomas himself gets in a word of mild reproach for the coolness of his reception, "Loo! to my talking ye toke youe no tente for to traste" (l. 262), is paralleled by the Auchinleck lines:

For 3e nolde leue me,
 Nou 3e mowen zoureseluen se,
 þat ich ne gabbed nowt! (11. 706-708)

In a number of significant details, however, the originality of the York playwright appears to assert itself far beyond the relatively meager narrative accounts of his forebears and contemporaries. It is, of course, impossible

⁶³ In all other vernacular versions Thomas *asks* for a token.

to make a definitive judgment without examining all the versions, dramatic and non-dramatic, which could have been available to him as sources for the various details of his play. The *Assumptio* of MS Lambeth 223 of the South English Legendary, for example, or the lost Assumption plays of Chester or Towneley may well have provided some of his material. The following narrative and lyrical elements are, as far as is known, peculiar to the play:

1. Thomas meditates on the Passion of Jesus; is eager to see his "felaus in fere"; is weary with the long journey and lies down to rest (stanzas 1-8).
2. Our Lady is accompanied by angels who both sing and speak to her in Thomas' presence (stanza 9 and the three songs).
3. Mary tells Thomas where she is going (stanza 10).
4. Thomas responds with a stanza of lyrical praise (stanza 11).
5. Mary commands Thomas to carry the message of her Assumption to the other apostles in order to assuage their grief (stanza 12).
6. When Thomas expresses his fear that they will refuse to believe him, Mary bestows the cincture as a token by which he may convince them of the truth of his vision and his message (stanza 13).⁶³
7. Thomas receives the token with a stanza of lyrical thanks (14).
8. Mary promises to intercede for all who pray to her (15).
9. Thomas bids her a lyrical farewell (16).
10. When he rejoins the apostles, James and Andrew as well as Peter and John speak (18-19).
11. Peter asks for some sign of the truth of his startling message (19).
12. After the revelation of the cincture and the empty tomb, followed by Thomas's simple absolution of his comrades from their fault of disbelief, the apostles part to resume their missionary labors. There is no appearance of Christ at this point to destroy the little play's unity; nor is there any miraculous cloud or mist to transport them (a difficult but not impossible feat for a medieval stage manager) as in the less artistic narrative versions.

The conclusions which can legitimately be drawn from this survey of the apocryphal legend which lies behind York XLVI are similar to those which Georges Duriez drew from his study of the background of the German *Himmelfart Maria*: while it cannot be assumed that the playwright was entirely independent of the Latin versions which were current, especially in Italy, during the thirteenth and fourteenth centuries, it can be affirmed that familiar native sources were well able to provide him with the basic outline and elements of the cincture legend. Moreover, one can credit him (always bearing in mind our inevitably incomplete knowledge of his

literary milieu) with a considerable degree of originality, with an artistic inventiveness enabling him to dress the old story in colors which made it glow with undoubted human attractiveness to its medieval audience no less than with the spiritual fervor which that audience had come to expect of the York dramatist.

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An Inventory of Early Guthlac Materials

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THIS inventory of materials, manuscript and other, providing evidence of the widespread nature of the Guthlac cult in mediaeval England, was first drawn up during the preparation of critical editions of the Old English writings on the saint. Much of the information collected provides interesting documentation both on the importance of St Guthlac in the early Anglo-Saxon period and on his waning popularity in the later mediaeval and post-mediaeval periods and, though perhaps not of central interest to the specialist in Old English literature, it may have some usefulness to those interested in hagiography, in English monastic traditions or even in some aspect of the saint's cult. It must be noted that excellent brief bibliographies are already available,¹ but an attempt has been made here to draw up a list at once fairly comprehensive and informative.²

The following arrangement of the materials will be adopted:

- 1 a. manuscripts of Felix's *Vita sancti Guthlaci*
b. the *Miracula* and *Translatio* of the Douai manuscript
- 2 a. the Old English poems of the Exeter Book
b. the Old English prose translation of the *vita* and the related homily
- 3 a. the Old English *Martyrology*
b. the Middle English *South English Legendary*
- 4 early epitomes of the *vita*
 - a. by (i) Ordericus Vitalis
(ii) Peter of Blois and John of Tynemouth
 - b. the life of Saint Bertellin
- 5 a. the hexameters of Henry of Avranches
b. other Latin verses concerned with Guthlac
- 6 the Harley Roll

¹ Such lists are to be found in W. de G. Birch, *Memorials of Saint Guthlac of Crowland* (Wisbech, 1881), W. F. Bolton, *The Middle English and Latin Poems of Saint Guthlac* (Doctoral thesis at Princeton, 1954) and B. Colgrave, *Felix's Life of Saint Guthlac* (Cambridge, 1956).

² An alphabetically arranged bibliography will be found appended to this inventory, enabling brief references (author, date of publication and page) to be made.

- 7 chronicles etc.
 - a. of some length
 - b. annal-type entry
- 8 entries in calendars, missals, etc.
- 9 a. *Resting-places of the Saints*
 - b. relics
 - c. the *Sir Gowther* reference
- 10 charter evidence
- 11 church dedications
- 12 popular lore

1a. Manuscripts of Felix's *Vita sancti Guthlaci*

There are extant thirteen mediaeval manuscripts which contain either full or fragmentary versions of Felix's *vita*. These are here listed with brief descriptive notes — indication of the amount of text extant, of date, of provenance and of the purpose of the manuscript of which they originally formed part. References are given to earlier descriptions of them. The order followed in listing these manuscripts is according to their present location: texts in the United Kingdom are noted first, then the texts in Southern Ireland and last the four continental texts. These last four I have not seen and I therefore depend upon B. Colgrave's edition of the *vita*³ for details of them. Four other full editions of this life have been published.⁴

CAMBRIDGE

1. MS Corpus Christi College 307 contains prologue, chapter list and life which is complete. It is written in a bold insular hand of the ninth century in single column. Acrostic verses connected with the saint and with the writing of this manuscript follow the life and are in a smaller less bold hand of the same period, thought by M. R. James (1912, II, 105) to be by a second scribe and by B. Colgrave (1956, 27) to be by the same scribe. These acrostic verses have been printed by M. R. James, W. de G. Birch and W. F. Bolton (see further section 5 b. below).

The Guthlac material covers 52 folios which appear to form an entity.

³ *Felix' Life of Saint Gutlac* (Cambridge, 1956), 34-44 *passim*.

⁴ L. d'Achéry and J. Mabillon, *Acta sanctorum ordinis sancti Benedicti*. Saec. III, Part I (Paris, 1672), 263-84 and *ibid.* (Venice, 1734), 257-75; J. Bollandus et alii, *Acta Sanctorum* (Aprilis II), 1675, 38-50; R. Gough, *The History and Antiquities of Croyland Abbey in the County of Lincoln* (London, 1783), 131-53; W. de G. Birch, *op. cit.*, 1-64.

It is bound up with a fourteenth century manuscript of writings by Ioh. Wallensis and Thomas Aquinas. Descriptions of the manuscripts can be found in Birch (1881, xix), James (1912, II, 105) and Golgrave (1956, 26-27). The manuscript is number 1563 in Bernard's catalogue (1697-8, I, 142), number cccvii in Nasmith (1777, 336), but is omitted from N. R. Ker's *Medieval Libraries of Great Britain* (both the 1941 edition and the 1964 revision) because its provenance is unknown. B. Golgrave suggests that the acrostics may have been intended for the shrine built for Guthlac by Ethelbald. This suggestion would indicate a Crowland interest in these 52 folios of the manuscript, but no conclusions can safely be based on it.

2. MS Corpus Christi College 389 contains prologue, chapter list and complete life of Guthlac, preceded by a life of Saint Paul of the desert. Written in square Anglo-Saxon miniscule, the manuscript is hesitantly described by James (1912, II, 239 ff.), as a ninth century document, but is dated to the tenth century by both N. R. Ker (1941, 25 and later, 1957, 113, to the latter part of this century) and Golgrave (1956, 27, where 'probably second half' is noted). The texts are clearly written in single column. The pointing in the *Vita sancti Pauli* consists of thin light strokes: three stops (.; and ⁊) and the long thin stress sign (/); but in the *Vita sancti Guthlaci* this punctuation has been revised. Its later system is often no more than a heavy reinforcement of the earlier sparser punctuation, though many stops, thicker and differently formed, have been added and stress marks appear far more frequently than in the preceding life. The agreed tenth century dating of the manuscript rests mainly on the evidence of this revised punctuation. Red, green and purple are used in the capitals; large capitals in black and red outlines, decorated with biting birds, animal (wolf) heads and interlacing appear on folios 2^r, 6^r, 18^r and 22^v. A drawing of St Jerome on folio 1^v uses the same colours as are found throughout the manuscript, but is thought later than the writing of the manuscript by Wormald (1952, 61) who dates it to c. 1070. Outlines for a drawing appear on folio 17^v and represent a throned king full-face, sword across his knee and finger raised towards a beardless tonsured youth on the right. Golgrave (1956, 28) suggests that this may depict Felix's presentation of his book to Ælfwald and is probably right, for the drawing on folio 1^v is of the author of the *Vita sancti Pauli* and not of Saint Paul.

The life of St Guthlac occupies folios 18^r to 66^r of the manuscript. Lessons for his octave are marked in the outer margins (57^v, 58^r, 59^r, fourth missing, 61^v, 62^v, 63^r and 63^v) in chapters 50, 51 and 52 of the *vita*. Glosses in a small neat hand throughout the manuscript are probably

the scribe's, whereas those from a thicker pen seem later and may perhaps have been made by the reviser of the punctuation in the *Vita sancti Guthlaci*. As well, five Old English glosses occur in the Guthlac folios⁵ and are hardly later than tenth century.⁶

Marginalia and other markings similar to those generally found in Parker's books occur throughout the manuscript. It was given by him to Corpus Christi College Cambridge and the number *G*(2) on folio 1^r can be identified in the 1575 list of his donations to the college.⁷ Earlier the manuscript belonged to St Augustine's, Canterbury, a Benedictine Abbey originally dedicated to St Peter and St Paul, and an old shelf mark for that library: *Distinctio ix^a gradu tercio V* can still be read at the top of folio 1^r. Also on this folio appear a fourteenth century list of contents and an ownership note: *Liber sancti Augustini cant.* The manuscript is number 68 in T. James (1600, 75), 1345 in Bernard (1697-8, I, 134) and 389 in Nasmith (1777, 375).

LONDON (British Museum)

1. MS Royal 4 A xiv contains only the prologue and some chapter headings of the *vita*, this material being preserved in two folios which serve as end fly-leaves for a tenth century psalm commentary. The leaves have been cut down and are bound in upside down. The text therefore begins on folio 108^v and ends on 107^r, and not all of 108^v can now be read. It is written in Anglo-Saxon miniscule of the late eighth or early ninth century. Descriptions of the manuscript can be found in Birch (1881, xviii), Warner and Gilson (1921, I, 81-82), Lowe (1935, II, 28 with facsimile) and Colgrave (1956, 26). The psalm commentary is attributed by Ker (1941, 56 and 115) to a Winchester scriptorium, perhaps either Hyde or Nunnaminster, and his suggestion accords with Lowe's surmise that the Guthlac folios, if not from Winchester, are certainly from Southern England. However, Ker (1964, 363) has more recently cast doubt upon his earlier ascription of the psalm commentary to the Winchester area, now placing it (Ker, 1964, 207 and fn. 4) at Worcester and noting that a companion volume, British Museum MS Royal 2 B v, is still hesitantly to be assigned to Hyde.

2. MS Royal 13 A xv contains the life only in 45 folios. Both prologue and list of chapters are missing and the text ends with *nescit* on the second

⁵ Printed by James, 1912, II, 240, Meritt, 1945, no. 15 and Colgrave, 1956, 54.

⁶ See Ker, 1957, 113, though Colgrave, 1956, 52, assigns them to the eleventh century.

⁷ Ker, 1941, 25-26.

line of folio 45^r, the remainder of the folio being empty. Clasp marks in the last part of the manuscript indicate that these folios have long formed the last item in some volume or that they may indeed always have made up a separate entity. The text is written in single column by two scribes, both hands, one insular and one caroline, being of the tenth century. This text is the basis of Birch's edition of the *vita* and is described by him (1881, xviii-xix), by Warner and Gilson (1921, II, 84) and by Colgrave (1956, 28-30). The manuscript is number 8099 in Bernard's catalogue (1697-8, II, 242), but is omitted from Ker's *Medieval Libraries of Great Britain* (1941 and 1964) because its provenance is unknown.

3. MS Harley 3097 contains prologue and life, but is without a chapter list; the text (written in a twelfth century hand in single column and occupying folios 67^v to 84^v) ends abruptly with *Deinde* (from near the end of chapter 53), mid-page and mid-line. The Guthlac material belongs to a collection of religious writings made at Peterborough, probably in the first half of the twelfth century (Ker's dating is preferable to Colgrave's suggestion of the mid-eleventh century). A post-mediaeval hand (perhaps Richard James?) has added a rubric in the left margin by the beginning of the Guthlac material:

ffelix crowlansis floruit ad 730
 v. Bibl Cott }
 Vesp D xxi }

Descriptions of the manuscript can be found in *Catalogue* (1808, II, 735) and Colgrave (1956, 30-31). It is number 628 in Bernard (1697-8, II, 15) and is attributed by Ker (1941, 84 and 1964, 151) to the Benedictine house of Saints Peter, Paul and Andrew at Peterborough. This manuscript is the basis of Gough's text (1783, 131-53).

4. MS Cotton Nero E i (pars i) contains the prologue, chapter list and life on folios 185^r to 196^r. It is written in an eleventh century hand in two columns and there is much underlining and glossing of the Guthlac material. These notes, closely related to those in MS Corpus Christi College Cambridge 389, are found only in this part of the manuscripts Cotton Nero E i (pars i) and Cotton Nero E i (pars ii).

This Guthlac material cannot have been part of the original design of the Worcester passionals in which it appears, for it has no number in the collection and is not entered in the list of contents. The contents of the passionals are now split up among three manuscripts, *viz.* Corpus Christi College Cambridge 9 (which contains lives for the final months of the year) and the two Cotton Nero E i manuscripts. For bibliographical details see Ker (1940). Descriptions of the manuscript can be found in

Smith (1802, 239-41) and Golgrave (1956, 31-32). It is ascribed by Ker (1941, 116 and 1964, 207) to the Benedictine priory of the Blessed Virgin Mary at Worcester.

5. MS Gotton Nero C vii contains the life on folios 29^v to 40^v, but is without prologue and chapter list. It is written in double columns in a twelfth century hand. The Guthlac material is part of a larger unit, folios 29-79, which forms part of a now dismembered collection of passionals that belonged to Christ Church, Canterbury. Other sections of the original book are to be found in MS Harley 315 (folios 1-39) and MS Harley 624 (folios 84-143); for details see Ker (1940). Descriptions of the manuscript can be found in *Catalogue* (1802, 235) and Golgrave (1956, 32-33). It is attributed by Ker (1946, 22 and 1964, 36) to the Benedictine priory of the Holy Trinity, or Christ Church, Canterbury.

It is perhaps of interest to note that part of this manuscript was transcribed by Richard James into his notebooks (Bodleian, MS James 18, pp. 50 ff., the manuscript numbered 3855(6) in Bernard 1697-8, I, 260) and that his is most likely the hand which appears on the title-page of this manuscript and on folio 29^v beside the beginning of the *vita*:

Vita Sancti Guthlaci Croilansis
Incip' Liber de vita sc̃i Guthlaci strenu/
issimi ac ꝑfectissim anachorit/

DUBLIN (Trinity College)

1. MS Trinity College B. i. 16 contains the life in pages 138-64, but is without prologue and chapter list. It is written in double columns in a thirteenth century hand and forms part of the remainder of the March to June sections of a legendary from Jervaulx in the North Riding of Yorkshire. The manuscript is described by Abbott (1900, 72 ff. where it is number 171), by Grosjean (1928, 86 where the Guthlac *vita* is item 18) and by Golgrave (1956, 43). It is number 793 in Bernard's catalogue (1697-8, II, 46) and is ascribed by Ker (1946, 57 and 1964, 105) to the Cistercian Abbey of the Blessed Virgin Mary at Jervaulx.

2. MS Trinity College B. 4. 3 contains prologue, chapter list and life. The Guthlac material occupies folios 73^r to 85^v and is written in single column in an eleventh century hand: Abbott (1900, 73) suggests a twelfth century dating but both Ker (1964, 171) and Golgrave (1956, 42) place the manuscript in the latter part of the eleventh century. The English words on the recto of the first fly-leaf are in a late eleventh century insular hand: *of searobyryg ic eō*. The manuscript was still at Salisbury in the early seventeenth century (Ker, 1949, 172 and 179) where it was borrowed by Archbishop Ussher who took it to Dublin. It is made up of two collections

of a similar character and period which appear to have been bound together in the sixteenth century. Guthlac is the only insular saint included in either part (his *vita* is in the second manuscript) and Colgrave's suggestion that the collection may have related to the relics of a religious house, presumably at Salisbury, although pleasing, is by no means certain, for these parts may not have been associated with one another before modern times.

Descriptions of the manuscript can be found in Abbott (1900, 73 where it is number 174), Grosjean (1928, 88 where the Guthlac life is item 13) and Colgrave (1956, 42-43). It is number 478 in Bernard's catalogue (1697-8, II, 33) and is identified as a Salisbury manuscript by Ker (1946, 3 and 1964, 171).

CONTINENT (four manuscripts, only one of which is assigned by N. R. Ker to a mediaeval English library)

1. Arras MS 1029 (812) contains a fragmentary text. The Guthlac material occupies folios 27^r to 65^v and a penproof of the first three words of the prologue appears on 24^v. A gathering, if lost before folio 27^r, could have contained prologue and chapter list and these appear in the closely related text at Boulogne. The extant text (from chapters 10 to 34 and from chapter 40 to the end) is written in a late tenth century continental hand and perhaps belonged to the abbey of St Bertin monks at Bath (Grierson 1940, 104-6, 109 and 130). The manuscript, written in a mixture of tenth and eleventh century insular and continental hands, is a collection of lives of English and French saints, and is described by Colgrave (1956, 34-35).

2. Boulogne, Public Library MS 637 (106) contains prologue, chapter list and life and ends with a short litany (the litany printed by Colgrave in his footnotes, 1956, p. 171). The Guthlac material occupies folios 85^r to 92^v of this single column manuscript which is written in continental hands of about 1000 A.D. The book is a legendary which belonged to the monastery of St Bertin at St Omer. A very full description of it is given by Colgrave (1956, 35-39); a briefer note appears in *Catalogue* (1872, IV, 637).

3. Douai, Public Library MS 852, written in various hands of the twelfth and thirteenth centuries and assembled over a fairly long period of time, was very likely a collection of pieces, for the most part of local interest, made at Crowland. Felix's *vita* (prologue, chapter list and life) occupies folios 3^r to 32^r. This material is written in a twelfth century hand in single column and to it has been added a chapter from Ordericus Vitalis (from the *Historia*, see le Prévost 1838, II, 265) on Æthelbald's foundation of a monastery at Crowland. Other Guthlac materials follow: first an

account of the saint's translation in 1136, next a description of miracles and last the *Abbrevatio* made by Ordericus Vitalis. The miracles are incomplete, for they must have ended on a folio now missing from the manuscript (and obviously missing already by 1675 when the Bollandist editor broke off suddenly at the same point); the folio, or its contents, was known however to Peter of Blois whose life of the saint includes a summary of the lost miracles.

The book was still at Crowland in John Leland's time, and he made transcriptions from it when he visited Crowland (Smith, 1907, II, 119 ff.). It had apparently reached France by 1672 when Mabillon and d'Achéry stated that their text was based on a manuscript from Lyre (Colgrave, 1956, 45, suggests that their Lyre manuscript was a transcript from the Douai manuscript). It was certainly at Douai in 1675 when the Bollandists (in *Aprilis* II) noted the presence of texts at Arras, St Omer and Douai and indeed printed much of the material of the Douai manuscript. Descriptions of the Douai manuscript can be found in *Catalogue* (1878, VI, 598-602), *Analecta Bollandiana* (1901, 20, 406-7), Smith (1907, II, 122-26), Liebermann (1892, 249 ff.) and Colgrave (1956, 39-42). Ker (1946, 28 and 1964, 56), where the contents are labelled *Heraclydes etc.*, attributes the book to Crowland.

4. Gotha, Herzogliche Bibliothek MS I. 81, described by Grosjean (1940, 90-103) and Colgrave (1956, 43-44), disappeared from Gotha towards the end of the last war. Colgrave has in his possession a photostat of the life of Guthlac it contained, from which are taken the collations in his edition. The manuscript, written in double columns in the early fourteenth century, contained a collection of lives of English, Welsh and Cornish saints. The Guthlac text, occupying folios 104^v to 113^r, was without prologue and chapter list; it is item number 32 in the index to the manuscript published by Father Grosjean (1940, 96).

1b. The *Miracula* and *Translatio* of the Douai manuscript

Douai, Public Library 852 is not the earliest extant manuscript containing Felix's *Vita sancti Guthlaci*, but its considerable importance must be emphasised. Both for its association with Crowland and on the evidence of its contents the manuscript is of obvious interest as a collection of pieces for the most part concerned with local events and persons. It contains not only a text of Felix's *vita*, but also the *Abbrevatio* made by Ordericus Vitalis sometime before 1124 A.D. Two items of particular interest for the growing cult of St Guthlac are the twelfth century additions:

Translatio B. Guthlaci, folios 32^v-38;

Miracula [*B. Guthlaci*], folios 38-46^v.

Both are printed by the Bollandists (*Aprilis*, II, 54-60). The *Miracula* is now incomplete, but Peter of Blois's life of the saint shows that in his day a fuller account of these miracles was available.

2a. The Old English poems of the Exeter Book

The poems now generally entitled *Guthlac A* and *Guthlac B* are contained in folios 32^v-52^v of Exeter Cathedral MS 3501 which has been in the cathedral library at Exeter since the mideleventh century. An excellent facsimile⁸ of this manuscript is available, and five complete texts of these poems have been published.⁹ No separately edited texts have yet been printed.¹⁰

Guthlac A is to-day a poem of 818 lines and cannot have been much longer than 900 lines when written into the Exeter Book collection of verse in the latter part of the tenth century. The only gap of any importance within the text occurs at line 368 where a folio has been cut out of the manuscript, accounting for 60 to 70 lines of verse. The dependence of the poet upon Felix's *vita* of the saint has often been debated and, though few close parallels of any great significance can be found between the two, general critical opinion appears now to favour the poet's knowledge of Felix's life. However, the relationship of these two texts may never be decided to the agreement of all who give this problem their attention. The poet is not primarily concerned with the life of St Guthlac, but illustrates from his passion one way in which a faithful man may gain everlasting joy.

The opening 560 lines of a flowery account of Guthlac's death are what remain of the poem called *Guthlac B*, and it is impossible to judge how much of the original poem has been lost. This poet's close dependence on the *Vita sancti Guthlaci* has long been recognised, but his use of Felix is not mechanical and uninspired, for themes absent from or unimportant

⁸ R. W. Chambers, Max Förster and Robin Flower, *The Exeter Book of Old English Poetry* (London, 1933).

⁹ Benjamin Thorpe, *Codex Exoniensis. A Collection of Anglo-Saxon Poetry* (London, 1842). The Guthlac material is printed consecutively under various headings; C. W. M. Grein, *Bibliothek der angelsächsischen Poesie* I and II (Göttingen, 1857-8). Lines 1-29 of *Guthlac A* are attached to the end of *Christ*, but the rest is printed as Guthlac material; R. P. Wülker (with B. Assmann in collaboration), *Bibliothek der angelsächsischen Poesie*, Band I (Kassel, 1881), Bände II, III (Leipzig, 1894, 1898); I. Gollancz, *The Exeter Book, an Anthology of Anglo-Saxon Poetry... Part I, Poems I-VIII* (with the two Guthlac poems first divided as in now general), EETS OS 104 (London, 1895).

¹⁰ Dr. B. Thompson's 1931 thesis, an edition of *The Old English Poems of St. Guthlac* (lines 30-1379), is available in the Leeds University Library.

in his source are developed by him.¹¹ The imagery and diction of the poem suggest a date of composition late in the eighth century, or even in the ninth century, and at any rate contemporary with the Cynewulfian canon.

2b. The Old English prose translation of the *vita* and the related homily

The old English life of St Guthlac is contained in folios 18-40 of the British Museum MS Cotton Vespasian D xxi, but formerly appeared at the end of the Bodleian MS Laud Miscellany 509 (Ker, 1938, 132-33 and 1957, no. 344). These manuscripts were written in a hand of the latter part of the eleventh century. Many Latin glosses in a hand of the eleventh or twelfth centuries appear throughout the biblical material, but not in the Vespasian folios where their absence suggests that the life of Guthlac had by this time waned in popularity and use. One gloss only appears in the Guthlac folios, and it is scribal. Someone read the manuscript in the thirteenth or fourteenth century, writing in running titles and marginalia in pencil and ink and marking omissions in the biblical translations by *oblitus*. As Ælfric was responsible for parts if not the majority of the Pentateuch and Joshua translations found in the Laud Miscellany, it is easy to understand how this writer of marginalia and running titles came to ascribe the translation of the Guthlac life to Ælfric. The ascription, noted by Cotton's librarian in his list of contents on his title-page for British Museum MS Cotton Vespasian D xxi, gained some following among nineteenth century scholars, but it is now generally accepted, on internal as well as on external grounds, that the translation of the *Vita sancti Guthlaci* into Old English was made before Ælfric became active as a translator. Two complete editions of the Old English life of St Guthlac have been published,¹² and the related homily is available in the more recent of these and in the facsimile of MS Vercelli, Biblioteca Capitolare CXVII.¹³ The homily is the final text in this manuscript, beginning on the eighth line of folio 133^r and ending on folio 135^v.

The Old English prose life of St Guthlac is not well known to readers of Old English, despite its appearance in two modern editions and the use of extracts from it in two Old English readers.¹⁴ It has been examined

¹¹ The poet draws mainly upon Felix's account of Guthlac's death in the extant fragment of the poem. However, other themes which assume dominance in his account are the figure of the draught of death and the personification of death itself.

¹² P. Gonser, 'Das angelsächsische Prosa-Leben des hl. Guthlac', *Anglistische Forschungen*, 27 (1909); C. W. Goodwin, *The Anglo-Saxon Version of the Life of St. Guthlac* (London, 1848).

¹³ M. Foerster, *Il Codice Vercellese con Omelie e Poesie in Lingua Anglosassone* (Rome, 1913).

¹⁴ L. F. Klipstein, *Analecta Anglo-Saxonica* (New York, 1849); W. F. Bolton, *An Old English Anthology* (London, 1963).

most fully in Gonser's edition and a useful glossary is available.¹⁵ Whereas the life reflects fairly fully the contents of Felix's *Vita sancti Guthlaci*, the homilist has chosen to deal only with the earliest Crowland episodes and has drawn on the translation of chapters 28 to 33 inclusive of the *vita*. Both the life and the homily have undergone separate and considerable revision, but together they suggest that the original translation from which they both stem was made in the ninth century, perhaps at a time when Alfred was encouraging scholars to translate Latin writings into English. As the life deals with a Mercian saint¹⁶ it would be possible to argue that the translation may go back to an earlier Mercian tradition of prose translation which antedates the Alfredian outburst of translations, but there are hardly sufficient grounds to support this speculation and it must be recognised that the evidence for the provenance, as for the date, of the translation is very tenuous.

Attention must however be directed to the ending of the Guthlac homily. In it Guthlac's journey to the gates of hell is followed immediately by the arrival of St Bartholomew who carries the saint off to heaven. A fuller, or at least different, story of St Guthlac may have been available to the man who selected these chapters of the Old English translation of the *vita* for a homily, but he seems not to have considered anything outside them important. Perhaps in his selection we can glimpse Bartholomew in his original function as psychopomp within the legend of St Guthlac. The interest of the homilist in this portion of the life may be compared with the attitude of the author of *Guthlac A* to his subject, for both are interested in those aspects of the legend in which Guthlac has more in common with the Fursey-Drichthelm tradition than with the Antonian.¹⁷ This coincidence may reflect the sort of stories from which Felix worked when compiling his *Vita sancti Guthlaci*.

3a. The Old English *Martyrology*

Entries concerned with Guthlac appear in three of the five extant manuscripts of the Old English *Martyrology*: in British Museum Cotton Julius A x, Corpus Christi College Cambridge 196 and Corpus Christi College Cambridge 41; but not in British Museum Add. 23211 or British

¹⁵ I. Geisel, *Sprache und Wortschatz der altenglischen Guthlacübersetzung* (Basel, 1915).

¹⁶ See R. Vleeskruyer, *The Life of St. Chad* (Amsterdam, 1953), 37, where it is described as 'almost certainly Mercian'.

¹⁷ See B. J. Kurtz, 'From St. Anthony to St. Guthlac' *University of California Publications in Modern Philology* 12, No. 2, 1926, 113, where these aspects of the Guthlac legend are described as foreign to both the Athanasius and Evagrius lives of Anthony.

Museum Add. 40165A. The standard edition of this martyrology is by G. Herzfeld¹⁸ who takes his basic text from MS Corpus Christi College Cambridge 41, listing variants from the three other manuscripts known to him. The fragment in MS British Museum Add. 123211 has been edited by Henry Sweet.¹⁹ The fragments first discovered in this century, in MS British Museum Add. 40165A, are edited by C. Sisam²⁰ who at the same time provides the fullest discussion available of the origin of the *Martyrology*. A couple of sentences from the *Martyrology* appear in MS British Museum Harley 3271 (see Ker, 1957, no. 239, item 11). Miss Sisam places the original compilation of the martyrology in Mercia sometime after 850 A.D. and suggests that a manuscript was taken south where it was copied first in the late ninth century. However, she points out that the collection could equally as well have been assembled by one of the Mercian scholars imported into Wessex by King Alfred.²¹

The immediate source for the Guthlac entry found in three of the manuscripts extant is not known. Herzfeld cites Felix's *Vita sancti Guthlaci* as the source,²² but it is more likely that the brief note on Guthlac stems directly from some litany, collect or other martyrology (and of course ultimately from Felix). The John of Tynemouth collect remembers the morning and evening visitation of the saint by an angel and both this incident and the appearance of the miraculous hand from heaven occur in the Corpus Christi College Cambridge 198 fragmentary office for Guthlac's feast. These two incidents, together with the interpretation of the name Guthlac, are all that the Old English *Martyrology* contains. For further notes on material of this sort in calendars and missals, etc., see section 8 below.

3b. The Middle English *South English Legandary*

Poems about Guthlac appear in three of the Middle English manuscripts generally grouped under this title:

British Museum Cotton Julius D ix, folios 297^v-301^v, containing a poem of 292 lines;

Corpus Christi College Cambridge 145, folios 210^v-213^r, containing a poem of 174 lines (the manuscript is placed by Ker, 1964, p. 181, in Southwick, Hampshire);

Oxford, Bodley 779 (2567), folios 163^r-164^v, containing a poem of 104 lines.

¹⁸ *An Old English Martyrology* 1900.

¹⁹ *The Oldest English Texts* (London, 1885), 177-78.

²⁰ 'An Early Fragment of the Old English *Martyrology*' *Review of English Studies* New Series 15 (1953), 209-20.

²¹ C. Sisam *op. cit.* 217.

²² *Ibid.* xxxviii.

The original collection is thought to have been compiled in the late thirteenth century and those manuscripts in which the Guthlac poems are found are usually dated to the fourteenth and fifteenth centuries. For lists of the contents of the manuscripts see Brown (1916, I, 29 ff.) and Wells (1916, 292 ff.). Two editions of the collection have appeared,²³ but the Guthlac legend is not represented in either of these modern editions.

Some accounts of the Guthlac material of the legendary are available. Birch (1881, xxviii-xxx) describes the three manuscripts, printing extracts from the Cambridge and British Museum versions. Forstmann (1902, 22-3) prints the London and Oxford poems and part of the Cambridge version. Full texts, together with a facsimile illustration for each manuscript, are presented by W. F. Bolton in his Princeton doctoral thesis of 1954.

4a. Early epitomes of the *vita* by:

(i) ORDERICUS VITALIS

Sometime in the early twelfth century a revision of the life of St Guthlac by Felix was made by Ordericus Vitalis at the request of Abbot Geoffrey (who was abbot of Crowland from 1110-24 A.D.). His *Abbrevatio* was in the thirteenth century written into folios 47-52 of MS Douai, Public Library 852, a Crowland manuscript which contains materials for the most part of local interest. No edition has been published of this *Abbrevatio*, but according to the Bollandists (*Analecta Bollandiana* 20 (1901), 406) it differs little from the version later inserted by Ordericus into his *Historia ecclesiastica* (in their words *paucis verbis mutatis*). For the inclusion of this material in the *Historia ecclesiastica* see section 7 below.

(ii) PETER OF BLOIS AND JOHN OF TYNEMOUTH

Peter of Blois's epitome of the *Vita sancti Guthlaci*, in MS Trinity College Dublin B. 2. 7, has been edited by Horstmann.²⁴ Descriptions of the manuscript appear in Abbott (1900, number 174) and Grosjean (1928, 88-91). Of the two manuscripts of this life of Guthlac noted by Bale (Poole and Bateson, 1902, 319-20), one may be the present MS Trinity College Dublin B. 4. 3. This revision of the life was made by Peter at the request of Henry Longchamp; Peter most likely worked from MS Douai, Public Library 852, for he includes miracles otherwise known only in this manuscript

²³ C. Horstmann, *The Early South English Legendary* EETS 87, (1887); C. D'Evelyn and A. J. Mill, *The South English Legendary*, EETS 235, 236, (1956).

²⁴ C. Horstmann, *Nova Legenda Anglie* (Oxford, 1901), II, 698-701.

which was still in the early post-mediaeval period at Crowland. John of Tynemouth's epitome is also printed by Horstmann²⁵ who suggests that it is dependent upon the revision of Felix's *vita* made by Peter of Blois,²⁶ as does Colgrave.²⁷ The two texts presented by Horstmann cannot, however, support his conclusion that MS Trinity College Dublin B. 2. 7 '... proves to be that from which John of Tynemouth made his abridgement,' for John's epitome contains phrases and sentences found in *vita* texts but not in Peter's, and, if Horstmann's opinion is to be supported, the existence of an earlier and fuller life of Guthlac made by Peter must be advanced. Indeed, John of Tynemouth may well have made his abbreviation from the Douai manuscript too, for his epitome reflects the interpolation from Ordericus Vitalis on the foundation of Crowland, found only in that text of the *vita* and, as Horstmann notes,²⁸ John most likely travelled around the country to collect his materials.

These remarks are dependent upon the information to be extracted from Horstmann's edition of these texts, and some further comments on it must therefore be added. His edition of the *Nova Legenda Anglie* is based on MS British Museum Cotton Tiberius E 1, with collations from the legendary printed by Wynkyn de Worde in 1516. This manuscript, placed by Horstmann as a St Albans' manuscript of the last quarter of the tenth century, but ascribed by Ker (1964, 188) to Tewkesbury, Gloucestershire, is an arrangement of saints' lives in calendar order by John of Tynemouth. A fifteenth century alphabetic rearrangement, with a decrease in the number of *Narrationes* appended to the lives, was made by John Capgrave who is generally credited with the composition of the whole collection.²⁹ A final revision of the materials, with the further addition of fifteen lives, was put in hand for Wynkyn de Worde for publication in 1516. Three other manuscripts are described by Horstmann³⁰ as presenting intermediary positions between MS British Museum Cotton Tiberius E 1 and the collection published by de Worde. These manuscripts, which provide little further information on Guthlac, are British Museum Cotton Otho D ix (greatly damaged in the 1731 fire)³¹ York Minster Library xvi C 1 and Bodley Tanner 15 (ascribed by Ker, 1964, 386, to Canterbury).

²⁵ 1901 2. 1-10.

²⁶ *Ibid.* 2. 688, n. 1.

²⁷ 1956, p. 22.

²⁸ *Op. cit.* 1. x.

²⁹ For example by Plot, R. *Natural History of the County of Stafford* (Oxford, 1686), 409.

³⁰ *Op. cit.* 1. xiv.

³¹ Smith (1696) describes the collection as *Vitae Sanctorum Anglie collectae a Iohanne Capgraoiv* and lists its contents.

4b. The life of St Bertellin

Because this life appears first in the legendary attributed to Capgrave and because it draws upon the epitome of Felix made by Peter of Blois, it is noted in this section. A discussion of the cult of this saint will be found in a 1968 issue of the *Downside Review*. According to Pits (1619, 295) a life of *S Bertelini* in one book was in his day extant, but there is now no trace of this. Pits attributes this life to *Alexandro Essibiensis*, c. 1220 A.D., who was sometimes called *Staffordiensem chronographum*.

5a. The hexameters of Henry of Avranches

Folios 61^r to 91^r of MS Cambridge University Library Dd xi 78 contain the Guthlac poem by Henry of Avranches for a long time mistakenly attributed to William of Ramsey. A copy of this poem in MS British Museum Cotton Vitellius D xiv is described in Smith's catalogue (1696, 93) of the Gottonian library, but the manuscript perished in the 1731 fire in Ashburnham House. A third manuscript, MS Norwic. More 906, of the poem is noted by Tanner (1748, 363) who also notes the Gottonian manuscript. According to Bolton (1954, 10) this manuscript is 'otherwise unknown,' but it is interesting to read Ker's observations on the provenance of certain books in the University Library at Cambridge: "The history of the Norwich library is obscure, but many Norwich books are now in the Cambridge University Library and others were procured."³² It is possible therefore that evidence should be sought for placing this one extant manuscript of the poem in Norwich at some time in the post-mediaeval period. The extant volume belonged to Matthew Paris; much of it was transcribed by him and his characteristic inscription of gift to God and St Albans can still be recognised. The manuscript is acknowledged as a St Albans' book by Ker (1964, 165).

The poem is generally thought to have been commissioned by Henry Longchamp, a tradition based on a reference under the year 1237 in the *Chronicon Angliae Petriburgense* (see Giles 1845, 135). More recently it has been suggested that Henry of Avranches 'was writing in England for various patrons between 1244 and 1262' (Vaughan, 1958*, 260), but this should not be set against the traditional recognition of an earlier period of literary activity on his part in England (see Russell, 1928, 35 and Bolton, 1954, 23). It is indeed likely that Henry Longchamp, who commissioned an up to date revision of the *Vita sancti Guthlaci in heroico stylo* from Peter of Blois, should also commission a work in *metrico stylo* from one of the most fashionable poets of the time (phrases from *Chronicon*

³² Ker, 1964, xv.

Angliae Petriburgense, *loc. cit.*). Among the more valuable descriptions of the poem are those in Camden (1806 edition, II, 215, where lines 241-47 are printed, and 331, where lines 1632-39 appear), *Catalogue* (1856, I, 472), Searle (1893, 34-35 where lines ix-xiii and 1616-55 are printed), Birch (1881, xxiv-xxviii, with selections comprising the rubrics, lines i-xiii, 1-6, 241-62, 445-58, 680-82, 874-90 and the colophon), Russell and Heironimus (1935, 105-8; the opening 13 lines are printed on p. 108), Bolton (1954 thesis in which the poem is edited, and his 1959 paper on the poem) and Colgrave (1956, 22-24).

5b. Other Latin verses concerned with Guthlac

MS Corpus Christi College Cambridge 307 contains acrostic verses on folio 52 (some notes on this manuscript will be found in section 1a). The verses have been printed by M. R. James (1912, II, 105-6) and Birch 1881, xix-xxi).

MS British Museum Arundel 201, a fifteenth century manuscript, contains fifteen stanzas of rhyming verse in folios 92^v-93^v. These are printed by Birch (1881, 72-74) and have more recently been edited by Bolton (1954, 133-35) who considers the poem was written in the second quarter of the thirteenth century (*ibid.*, 128).

6. The Harley Roll

Facsimiles and a full account of MS British Museum Harley Roll Y 6 have been published by Warner (1928). Among other reproductions and accounts the more important are by Schnebbelie (1800, item 11), Nichols (1797, 290-298), Birch (1881, xxxv-LIII), Gonser (1909, 189 ff.), d'Ardenne (1946, 46-48), Colgrave (1956, 12-14 *et passim*) and Wormald (1952*, 262-63). A similar roll, though with English captions, may have been in Leominster in the thirteenth century, for an old catalogue there lists: *Rotula cum uita sancti Guthlaci anglice scripta*. On this see further Barfield (1888, 124), Wilson (1936, 12 and 1952, 98) and Colgrave (1956, 12). The description is quoted from Ker (1957, XLVII). The Harley Roll used to be dated to the rule of Henry Longchamp, and cannot be earlier than 1141, for the priory of Frieston, founded in that year, is among the benefactions shown in the last roundel (see Warner, 1928, 17, where he suggests that picture 18 shows the 1196 translation of the saint). The final picture of the series suggests that the roll was made for Crowland. It has lately been dated to *c.* 1200 (Wormald, 1952*, 262). What the purpose of the Harley Roll can have been is still disputed, though there have been many attempts made to explain the roundels as cartoons for glass, as shrine decorations, altar decorations, spandrels of arches in chapels or sculptured reliefs over imposing doorways.

7. Chronicles etc.
a. of some length

Chronicon Abbatum ex Episcoporum Eliensium

In Hearne's 1774 edition of Leland an extract (noted by Forstmann 1902, § III) is given *Ex Annalibus Eliensis monasterii*, telling only of Abbess Ecgburh's gift of a winding-sheet and sarcophagus to Guthlac:

Cui successit Adulphus, ejus nepos, Annæ filius, cujus filia Eadburga abbatissa in Reopendune famulo Dei Guthlaco sarcophagum plumbeum lintheumque transmisit: in quo idem vir Dei postea sepultus est.

The *Chronicon* seen by Leland is representative of a small group of manuscripts which present 'a radically abbreviated version of the *Liber Eliensis*' (according to Blake, 1962, xxvii, in his edition of the older and fuller records of Ely chronicles).

Geoffrey Gaimar, *Lestorie des Engles*

Gaimar's *Lestorie des Engles* has been edited for the Rolls Series by Hardy and Martin (1888-89). The Guthlac entry is very brief (I, 66, lines 1635-39):

En icel tens Gudlac esteit,
Uns hom ki Dampne Deu serveit.
Ki la vie de lui vereit,
Mainte miracle i trovereit.
Tucher mestut, ne puis tut dire.

Bell (1919, 282) points out that for his knowledge of Anglo-Saxon saints Gaimar may have drawn on an earlier, rather fuller list of the sort printed by Hardy and Martin (1888-89, I, in preface), for a note on which see section 9.a below.

Liber Eliensis

The most satisfactory edition of this text is by E. O. Blake for the Camden Society 1962. The brief reference to Guthlac it contains (Blake, 1962, 19) is little different from that in the closely related *Chronicon Abbatum ex Episcoporum Eliensium*:

Post quem Anne regis filius, frater videlicet virginis Etheldrethe de quo iam diximus, regnum suscepit Aldulfus, cuius filia Ædburga in Rependuna abbatissa famulo Dei Guthlaco sarcofagum plumbeum lintheumque transmisit, quo idem vir Dei post obitum locaretur et circumdaretur.

Ordericus Vitalis, *Historia Ecclesiastica*

Ordericus incorporated into his *Historia Ecclesiastica*, compiled during the years 1123-41, the *Abbreuatio* of Felix's *Vita sancti Guthlaci* he had made earlier for Abbot Geoffrey of Crowland. See further section 4.a.

William of Malmesbury, *Gesta pontificum*

A short passage about Guthlac appears in the *Gesta pontificum*, *liber* iv, § 182 (Hamilton, 1870, 321):

Croland est una insularum jacentium in illo tractu orientalium stagnorum, quæ a meditullio terræ orientia, et per centum et eo amplius milia fluentia, in mare cum multis et magnis fluminibus impetu suo præcipitantur. Hic Gudlacus non dejecta stirpe oriundus ephebus, spreto usu armorum quo pollebat, cum esset .xxv. annorum solitariam vitam ingressus .xv. deguit. Quibus, assistente Dei gratia, et sacerdotii gradu et signorum honore et vaticiniorum veritate approbatus est. Sed magis virtutum ejus gratia post obitum splenduit, tam sacratissimi corporis post annum incorruptela, quam multorum miraculorum ostensione præcipua. Meritis quoque ejus datur quod, ad corpus ejus ædificato monasterio, inter tot bellorum turbines inter tot temporum volubilitates, nullam erumnam vel detrimentum sui locus ille persenserit. Accessit et novus hospes...

An extract from some manuscript of the *Gesta pontificum* is to be found in Hearne's 1774 edition of Leland (III, 270), corresponding closely to the first two sentences in the above quotation. William of Malmesbury's account of St Guthlac lies behind Higden's.

Chronica attributed to John of Wallingford

An unsatisfactory partial edition of this text appears in Gale (1691, 525-50) and is superseded by the good text recently edited by R. Vaughan (1958); Guthlac material appears in pp. 4-10 of this edition. Vaughan (1958, x) points out that this chronicler gives more attention to hagiography than is usual among chroniclers. He deals in particular with Guthlac, Kenelm, Botulf, Swithun, Edmund, Frideswide, Neot, Dunstan, Edward the Martyr, Ælfheah and Ivo, probably using some legendary of English saints which has since been lost.

Florence of Worcester, *Chronicon ex Chronicis*

Florence's chronicle is edited by Thorpe (1848). Two short entries concerned with Guthlac's life appear in it and neither is marked by Thorpe as from the earlier chronicle of Marianus Scotus which served Florence as his basic material. It seems probable therefore that the Guthlac note found in Hearne's 1774 edition (III, 276) of Leland under the heading *Ex Chronico Mariani Scotti*.. comes from Florence's *Chronicon ex Chronicis*.

The first entry in this chronicle (Thorpe, 1848, I, 44-45) tells of Guthlac's decision to leave secular life, when he was twenty-four years old, and of his reception as a monk at Repton by Abbess Ælfthryth. His death is noted in the second passage (Thorpe, 1848, I, 48). It is necessary to quote this entry in full, for Birch (1881, p. 1 fn.) has suggested that the way in which Pege is introduced indicates that for Florenceshe may have seemed more important than Guthlac:

Anachorita probatissimus Deique sacerdos fidelissimus, dilectæ Christi virginis Pegiæ germanus, innumerabilium virtutum patrator Guthlacus, indictione xii., quarto lumine festi Paschalis iii. idus Aprilis [11 Apr.] animam ad gaudia perpetuæ emisit exultationis; cui Cissa qui diu paganis ritibus deditus erat, sed post baptismum in Britannia perceperat, successit.

It is obvious that any summary of Felix's account of Guthlac's death should mention both Pege and Cissa, the other important persons named in chapter 50 of the *Vita sancti Guthlaci*. There is therefore no need to emphasize or over-interpret Florence's inclusion of Pege, any more than his inclusion of Cissa.

THIRTEENTH CENTURY

Matthew Paris, *Chronica Majora*, and his *Flores Historiarum* (sometimes attributed to Matthew of Westminster)

Both these works have been edited by H. R. Luard for the Rolls Series. For the Guthlac material see Luard (1872, I, 324-28 and 1890, I, 362-65). This epitome of Felix's *vita* is considered briefly by Bolton (1959, 43-44) who seems unaware of its relationship to the version found in Roger of Wendover's *Flores Historiarum*.

Roger of Wendover, *Flores Historiarum*

An edition of this chronicle by H. O. Goxe (1841-44) contains an epitome of Felix's *Vita sancti Guthlaci* (see I, 206-11). It should be noted that the Rolls Series edition by H. G. Hewlett (1886-89) begins only 'from the year of Our Lord 1154' and therefore includes no epitome of Guthlac's life.

Although Roger is here placed under the heading 'thirteenth century,' it would be fairer to describe him as a late twelfth or early thirteenth century chronicler and to regard him as a near contemporary of the chronicler popularly called John of Wallingford. Roger's and Matthew's epitomes are from a common source and both may have drawn on an abbreviation made first by John de Cella.

FOURTEENTH CENTURY

John of Brompton, *Chronicon*

This chronicle occupies columns 721-1284 of the first volume of Twysden's *Historiæ Anglicanæ scriptores X* (1652). The Guthlac material (columns 797-98) is introduced by:

Rege Oswaldo Northumbri defuncto, *Ardulphus*, sive *Aldulphus* rex in regno sibi successit, cujus tempore floruit sanctus *Guthlacus*, qui...

This chronicler gives the following details of Guthlac's life: his decision when about twenty-six to become a hermit; his choice of Crowland as his dwelling-place; the temptation to fast to excess; the healing of a youth (here called Hintredus) possessed by a demon; Edburga's gift of a sarco-phagus and her question about his successor; and the saint's death on the eighth day of his illness after fifteen years of solitary life.

Historia Ingulfi attributed to Ingulf

Excerpts from this chronicle are printed by Savile (1596 and 1601), but a full text appears first in Fulman (1684, 1-107). Although a text is presented by Birch (1883), Gross (1915, 247) points out that this edition is 'inferior to Fulman's.'

The *Historia Ingulfi* which forms the first part of the *Historia Croylandensis* is associated with the Ingulf who was abbot of Crowland in the late eleventh and early twelfth centuries. Though the work has for a long time, together with the first continuation which follows it, been regarded as forgery of the fourteenth century (Liebermann, 1892, 255-67) or even the fifteenth (Riley, 1854, xii and Searle 1893, 209), W. F. Bolton (1959, 41-42) suggests that so far as the references to Guthlac are concerned there is no need to argue so late a forgery. Pointing out that the Guthlac material does not show any signs of having been influenced by the Peter of Blois epitome of the *Vita sancti Guthlaci* (in his words, the '*textus receptus* at Croyland after about 1200), he argues that the forger was scarcely subtle enough to avoid using this redaction of Felix's *vita*. He appears therefore to regard the Guthlac passages as having been put together in this form before Peter made his life of the saint. On the problem that the *Historia Ingulfi* includes phraseology from both Felix's *vita* and Orderic's *Abbrevatio* he comments: "There is no way of knowing whether Ordericus used a text of Ingulph, or available to Ingulph, or whether an imposter used Ordericus as well as Felix." However, Professor Bolton is unwilling to draw any firm conclusions from his arguments and, because his major point is the lack of contamination of the Guthlac material by the Peter of Blois version of

the life, there seems little point in arguing that this part of the *Historia* may have been written by Abbot Ingulf. As for his hypothesis: "If the Ingulph passage is the original then some of the chronicle which has been branded a forgery may in fact be genuine," few historians would be prepared to dismiss all the materials gathered together in the *Historia Croylandensis* as worthless. Perhaps some genuine *Historia Ingulfi* lies behind the earliest part of this material but, as Searle (1893, 208) points out, the text we have shows a considerable dependence upon the works of the twelfth century historians. The earliest possible date for it remains the late twelfth century and the argument that its author's knowledge of the *Peterborough Chronicle* suggests a much later date remains to be refuted convincingly.

Ranulph Higden, *Polychronicon*

This chronicle, together with both Trevisa's translation of it and another anonymous translation of the second quarter of the fifteenth century, has been edited by J. R. Lumby for the Rolls Series (1865-86, VI, 166-69). Higden's written source for details of Guthlac's life was William of Malmesbury's *Gesta pontificum*. His first sentence tells of Guthlac's decision at the age of twenty-four to leave warfare and worldly possessions and of his reception at Repton as a monk *sub abbatissa Alfrida*. The following information given by Higden suggests that he knew some popular traditions about the saint:

Deinde tertio post hoc anno ad insulam de Croulond transiit, ubi anchoritice vivere coepit, miraculis coruscavit, potestatem magnam super immundos spiritus accepit, adeo quod, sicut vulgus tradit, eos ædificia construere cogeret, et quendam talem spiritum in olla bulliente includeret.

Finally Higden records that a monastery was built in Guthlac's resting-place and that this remained:

... inter tot bellorum turbines, inter tot temporum volubilitates, nusquam deletum.

He adds that Crowland is the resting-place also of St Neot, *discipulus* of Bishop Erkenwold of London, and ends this Crowland centred material with the words:

Et quamvis locus ipse de Croulond non possit nisi nauigio adiri, nunquam pœne loco desunt hospites.

Higden's account of St Guthlac apparently provided ammunition for Foxe in his fevered denunciation of 'St Guthlake' (Cattley's edition 1837-41, I, book ii, 357).

7b. Annal-type entry

I Annals for 714 A.D.

Anglo-Saxon Chronicle

Guthlac's death is generally recorded in a short *obit*; the Parker chronicle entry is quoted in illustration of the type (Plummer, 1892, I, 42): 714. Her forp ferde Guplac se halga.

Æthelweard, Chronicon

Three editions of this late tenth century text are available: Savile (1596), Petrie (1848) and, with critical apparatus, Campbell (1962). The Guthlac entry is quoted from Campbell's edition (p. 20): Post quadriennium quippe obiit Guthlac famulus Christi.

Annales from St Neot's

This early twelfth century collection of annals, often wrongly attributed to Asser, is printed in Gale (1691, I, 141-75). The standard edition is by Stevenson (1904, 125; also 1950 revision) where this entry is recorded: Anno DCGXIII *Sanctus Guthlacus* anachorita transiit.

John of Peterborough, *Chronicon Angliæ Petriburgense*

This chronicle has been edited by Sparke (1727) and Giles (1845); the entry for 714 A.D. runs (Giles, 1845, 5): A.D. 714. sanctus Guthlacus obiit: cui successit Ethelbaldus, qui fundavit monasterium Groylandiæ. Ethelredus, quondam rex, factus abbas de Bardeney, obiit.

II Note in sequence for 745 A.D.

Roger of Hoveden, *Chronica*

These words, quoted from Stubbs' edition (1868, I, 6), occur at the end of the sequence for 745 A.D.: His temporibus floruit Sanctus Guthlacus.

Henry of Huntingdon, *Historia Anglorum*

Henry names a few of Ine's contemporaries and lists as churchmen of that time (Arnold, 1879, 113): Tempore etiam huius regis, cœli palatia conscenderunt S. Heddi episcopus Wincestrensis, S. Guthlacus heremita Groilandensis, S. Johannes Eboracensis archiepiscopus.

Historia Regum attributed to Simeon of Durham

A sentence, added above the text in the manuscript used by Arnold (1885, II, 39) for his edition of this history, is thought by him to be in a hand of almost the same time as the scribe's. The words are: His temporibus floruit sanctus anachorita Guthlacus.

III

Hugh Candidus, *Peterborough Chronicle*

The Guthlac entry in this chronicle has affinities with the material printed by Liebermann (1889) under the title *Die Heiligen Englands* (see also section 9 a. below). In his list of the resting-places of English saints Hugh notes (Mellows, 1949, 63): Et in Crulandia sanctus Guthlacus presbyter.

8. Entries in calendars, missals, etc.

CALENDARS

Most of the relevant materials have been collected together by F. Wormald;³³ in Wormald (1934) see entries 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 16, 17, 18, 19, 20. Wormald does not print the text he lists as 15 which contains a mass for Guthlac under April 11th at the beginning of the missal and is therefore sometimes called the 'book of St Guthlac.' This missal was written for Robert of Jumièges while he was bishop of London 1044-50 and has been edited by H. A. Wilson for the Henry Bradshaw Society (1896). Wormald (1934, vi) points out that all of these calendars, except for 5 (the Bosworth Psalter from Canterbury), show indications of West Country origin. It is obvious from this widespread representation in early calendars that Guthlac's cult was popular at least from the second half of the tenth century, although it is worth noting that only in number 20, a mid-eleventh century calendar from Crowland, do other particular Crowland feasts occur (including the saint's sister Pege, and his translation on August 30th). Discussion of these points is to be found in Colgrave (1956, 9-10) and Gradon (1958, 4 and fn. 1).

The saint is still known in the calendars noted by Wormald for after 1100 A.D. He points out (1939, 5) that:

... these calendars, when compared with the earlier ones, have lost their strong martyrological element, and are much more guides to the liturgical practices of the houses to which they belong.

³³ Wormald 1934, 1939 and 1946.

In the later period the feasts are more often graded than in the earlier. The great expansion of the production of such calendars is well illustrated in the *Crowland* versions (Wormald, 1939, 113-29) in which high grading is given to Guthlac feasts and to *Pege*, *Hædda* and *Bartholomew*, and in which a great many saints of local interest are entered. Peculiar to the *Ely* calendar, and found in three manuscripts (Wormald, 1946, 15), is a commemoration of Guthlac on August 26th. One *Gloucester* calendar from *St Peter's Abbey* passed from the parent house to its cell at *St Guthlac's*, *Hereford*, where a dedication of the church of *St Guthlac* on October 17th is among the additions made in a hand of the thirteenth or fourteenth centuries (Wormald, 1946, 39).

OFFICES and MASSES for the saint's feast

MS Oxford, Bodley 579, a service book written in northeast France in the ninth/tenth centuries and now usually known as the *Leofric Missal*, contains a mass for Guthlac. This was one of the books given to *Exeter Cathedral* by *Leofric* (see Ker, 1964, 84); it was given to the Bodleian by the Dean and Chapter of *Exeter* in 1602.

MS British Museum, Harleian 1117, an eleventh century manuscript, contains a mass for Guthlac's feast; see further Birch (1881, xxiv, with text 66-69) and Colgrave (1956, 10).

MS Corpus Christi College Cambridge 198, an early eleventh century collection of homilies, contains on folio 377^v part of an office (16 lines with musical notes) for Guthlac's feast. This passage is written in a late eleventh/early twelfth century hand. The homiliary may have originated in the South-East (Sisam, 1953, 154, fn. 4), but was at *Worcester* by the thirteenth century at the latest: this is shown by the glosses in the characteristic 'tremulous' hand. Colgrave (1956, 10, fn. 2) suggests that the Guthlac office may have been added to the manuscript at *Worcester*, but this must remain interesting speculation. It is worth noting that folio 377^r contains the final part of an Old English homily in lines 1-6, but is otherwise blank. Lines 7-26 and the verso of this folio were very likely left empty when the transcription of this homily was completed. The office is described and edited by Birch (1881, xxiv and 70-71) and James (1912, I, 480).

MS Rouen Library Y. 6, a mid-eleventh century missal, known variously as the *Jumièges Missal* or the 'book of *St Guthlac*,' is included as entry 15 in Wormald's catalogue of early English calendars (1934; see under *CALENDARS* above). See also Wilson (1896, xix-xx and 3).

MS Trinity College Dublin D. 1. 25a comprises six leaves in single column in a hand of the first half of the twelfth century. Part of an office

for St Guthlac is contained on the recto of the first folio. These leaves were removed from the binding of MS Trinity College Dublin D. 1. 25, a manuscript collection of Latin and French medical and religious writings generally known as the *Liber Croylandiae* in the college library. See Ker (1964, 56 and fn. 1).

Manuscripts and, later, printed texts in the tradition of the Hereford Breviary contain an office for Guthlac's festival. Readings are given for vespers on his feast-day: the first six are concerned with Guthlac's early life and the others do not relate to him. See further Frere and Brown (1904-10, especially II, 140-2).

LITANIES

Litanies follow the lives found in MS Boulogne Public Library 637 (106), printed by Colgrave (1956, 171, fn. 18), and in the John of Tyne-mouth collection, printed by Horstmann (1901, II, 10). It should be noted that the immediate source for the Guthlac entry in the Old English *Martyrology* is probably from some litany or collect: see further 3 a.

MS Corpus Christi College Cambridge 44 names Guthlac among confessors in a litany on folio 8^v (see James, 1912, I, 88). This is an eleventh century manuscript usually associated with St Augustine's Canterbury, from liturgical evidence, but containing an inscription which points to its having been at Ely in mediaeval times (Ker, 1964, 40 and 78). Guthlac is not included in the shorter litanies of folios 12^v and 155^v.

No attempt has been made to examine the litanies of psalters to see in which Guthlac is mentioned. A lasting interest in the saint is apparent in church service books, for example in the Leofric Missal, the Paris Psalter and the Wulfstan Collectar.

9a. *Resting-places of the Saints*

This early eleventh century document in Latin and Old English is found in several manuscripts which are described and printed by F. Liebermann (1889). Representative examples of the Guthlac entries are:

Donne resteð *sancte* Guðlac on þære stówe þe is genemned Crúland, þæt mynster is on middan Girwan færne.

Beatus vero Guthlacus in monasterio quod constructum est in mediis paludibus in loco quo vocatur Cruland requiescit.

Interesting also for the history of the Guthlac cult is the list's inclusion of Gissa among Thorney saints (Liebermann, 1889, 27). Mellows (1949, xxx) points out that Hugh Candidus drew on some such document as these when drawing up his list of the resting-places of English saints (see also 7 b. above).

The list was translated also into Anglo-Norman by the fourteenth century, for a late version is bound up with the Breviate of Doomsday. This list is printed by Hardy and Martin (1888, I, in preface) where the entry for Guthlac runs (Hardy and Martin, 1888, I, xl): Saint Gulac en Croilande entre plus sus ewes. Obviously, as Bell (1919, 282) points out, the phrase *entre plus sus ewes* suggests an earlier *en les palus Gireweis*. Bell notes also that Gaimar is to some extent dependent on the ancestor of this list for some of his hagiographical material (see also 7 a. above).

9b. Relics

Relics of the saint are sometimes mentioned in mediaeval chronicles and lists. A late fourteenth century relic list for St Albans Abbey, Hertfordshire, notes (Wormald, 1939, 33): *De sancto cuthlaco scilicet dens eiusdem*.

Glastonbury is recorded as having been given a great part of Guthlac's body by Henry de Blois, bishop of Winchester (see Hearne, 1726, I, 19; II, 446 and Colgrave 1956, 9, fn 4). Thorney Abbey in Lincolnshire had an arm and whip of Guthlac in an ivory case (Wormald, 1939, 130). Among the relics at Abingdon was a rib of Guthlac (Stevenson, 1858, II, 158).

9c. The *Sir Gowther* reference

Two versions are extant of this tail-rhyme romance. A new edition is necessary, together with a thorough examination of the inter-relationship of these versions, for there is considerable dissension among the authorities as to which is the better reflection of the original poem. Once parallel texts have been printed it may become apparent that both betray signs of independent revision and that neither can truly claim to present the original composition. The standard edition is by Breul (1886), from which some idea of the main linguistic differences between the texts of MS National Library of Scotland 19. 3. 1 and MS British Museum Royal 17. B. XLIII may be gained. Unfortunately, however, Breul aimed at presenting a composite text, and it is neither easy nor satisfactory to disentangle from his edition two accurate texts, even with the aid of his footnotes.

The Guthlac reference occurs only in the British Museum *Sir Gowther*. The relevant lines are quoted from the recent normalised edition presented by Rumble (1965, p. 204):

There he lyeth in a shryne of gold
And doth maracles, as it is told,
And hatt Seynt Gotlake.
He make blynd men for to se,
Wode men to have here wit, parde,
Crokyd here crucchis forsake.

Despite Trounce's persuasive arguments (1934, p. 38) that this version is the 'more original', its identification of Sir Gowther with St Guthlac seems to me unlikely to have been in the poem as originally composed. The reference remains an interesting indication of the popularity of the saint in the East Midlands in the latter part of the fourteenth century.

10. Charter evidence

W. F. Bolton (1959, 38, fn. 9) points out that three 'mentions of the saint which might antedate Felix' appear in charters printed by Birch in his *Cartularium Saxonicum* (1883, I); charters numbers 75, 76 and 135 should be consulted.

Birch no. 75 (I, 109-10) is dated by him to A.D. 691[692]. It concerns a grant, made by Æthelred of Mercia to Ofter, bishop of Worcestershire. Among the signatories appears: Ego Guthlac consensi et subscripsi. Birch no. 76 (I, 110-111) is dated by him to the same years and also concerns a grant made by Æthelred to Ofter, this time of land at Fledanburg (or Fladbury) in Worcestershire. A later endorsement of exchange by Bishop Ecguine is added. Among the signatories appears: Ego Guthlac consensi et subscripsi. These charters are probably genuine, but there is no certainty that the Guthlac mentioned in them is the saint, although at this time he, like the signatory, would have been a non-religious.

Birch no. 135 (I, 199-201) purports to record the charter of the foundation of Crowland Abbey from Æthelbald and is given the date 716 A.D. by Birch, although in Bolton's view it should be dated 714 because it claims to be *post parvum tempus migrationis beati Guthlaci de hoc saeculo*. This charter has long been recognised as a forgery (Hickes, 1703, III, 73). The Patent Rolls show that both the 716 A.D. and 948 A.D. foundation charters were in existence by 1393, and that they were most likely manufactured at least by Richard II's time (Searle, 1893, 208). This charter records a joint dedication of the abbey at Crowland to Guthlac, Mary and Bartholomew, but, in view of its unsatisfactory origins, can scarcely be given any authority.

11. Church dedications

In the fullest available survey of English church dedications³⁴ the following churches, all pre-reformation, are listed (III, appendix III) as having originally been dedicated to St Guthlac:

³⁴ F. Arnold Forster, *Studies in Church Dedications of England's Patron Saints*, 3 volumes (London, 1899).

Astwick, Bedfordshire, diocese of Ely;
 Branstone, Leicestershire, diocese of Peterborough;
 Deeping (now St James), Lincolnshire, diocese of Lincoln;
 Fishtoft, Lincolnshire, diocese of Lincoln;
 Marholm (now St Mary), Northamptonshire, diocese of Peterborough;
 Passenham, Northamptonshire, diocese of Peterborough;
 Ponton, Little, Lincolnshire, diocese of Lincoln;
 Stathern, Leicestershire, diocese of Peterborough;
 Swaffham (anciently Guthlac's-stow), Norfolk, diocese of Norfolk: this church
 now demolished;
 Crowland Abbey (now SS Mary, Bartholomew and Guthlac), Lincolnshire,
 diocese of Lincoln.

Forster (1899, I, 82) points out that Crowland Abbey was:

... in the eighth century formally dedicated to S. Guthlac, its hermit-founder;
 but in aftertimes when the tide was setting in favour of Catholic as against
 local saints, the old dedication was expanded into its present form...

The churches at Fishtoft and Market Deeping once belonged to Crowland Abbey (Forster 1899, II, 98) and the abbey at one time had a cell at Frieston and a church of secular canons at Hereford.

One church is dedicated to Pege, Guthlac's sister (pre-reformation church), at Peakirk, Northamptonshire, in the diocese of Peterborough. Forster (1899, II, 495) notes that there was still in the church in the sixteenth century a statue of St Pege:

... for in 1566 one Robert Angele (Murray's Northants) left barley, and
 twenty pence for repair of St Pee's image.

This church, on the borders of Lincolnshire and Northamptonshire, is encircled by a ring of churches dedicated to St Guthlac.

A few churches are sometimes linked with Guthlac's disciple Beccel, though the identification of their patron saint with Beccel is by no means certain: all are pre-reformation foundations. Most likely to have been dedicated to St Bertellin of Stafford are:

Barthomley, Staffordshire, diocese of Cheshire;
 Ilam (now Holy Cross), Staffordshire, diocese of Lichfield;
 Stafford (a church which became the home of one of Edward VI's grammar
 schools) Staffordshire, diocese of Lichfield.

The dedications of these churches are discussed in Forster (1899, II, 99-102), Oswald (1955, 6-13), Golgrave (1956, 186) and Crawford (1968).

Altar dedications have not been collected and discussed in the comprehensive manner in which Miss Arnold Forster deals with church dedications. However, materials about altar dedications within two cathedrals have been summarised for Lincoln and Salisbury by G. Wordsworth, and certain of his investigations in Lincoln cathedral history have interest for any

study of the Guthlac cult. He points out (1898, 232) that the earliest list extant of altars in Lincoln cathedral places between St Stephen and St John the Evangelist an *altare Sancti Gulaci*. This *Registrum Antiquissimum* was begun sometime in the early thirteenth century and rubricated *c.* 1338 (Wordsworth, 1898, 222). The keepership of St Guthlac's altar is mentioned in the Minster's Chapter Acts of *c.* 1326-31 (Bradshaw and Wordsworth, 1897, II, 811 ff.). Wordsworth concludes (1898, 155 and 232) that so far as Lincoln is concerned 'this old fashioned saint had to make way for the *cultus* of St. Anne' or possibly 'for the title of St Edward, which may well have been popular in the fourteenth century.'

12. Popular lore

A few pieces of Crowland lore, coins etc., are important in any general account of the Guthlac cult and will be described briefly under headings alphabetically arranged.

ANCHOR CHURCH HOUSE

This name is given by Stukeley (1724, 32) to the chapel, pulled down *c.* 1720, on Anchor(ite) Church hill, traditionally the site of Guthlac's hermitage. In later writings Stukeley associates this place with Pege rather than with her brother (1746, II, 35), and Gresley (1856, 3) records from Stukeley's papers a description written by him in 1757 of a building at the south west corner of the church:

I took a drawing of the remains of S. Guthlac's Cell, unknown to any but myself. 'Tis at the south-west corner of the Church. Nought remains of it but the brick-work introduced into a buttress. The Abbot's Lodge and Chapel did join upon it. Now they have pulled down the south-west angle of this fabric, wherein was a stone staircase. It was part of the original Church built by K. Ethelbald; and the whole west front is endangered thereby.

Gresley adds, that one would expect the abbey to be founded on Guthlac's cell, as is St Chad's at Lichfield. His connexion of Anchor Church hill with Pege does not seem to have gained any support among antiquarians. It is in any case generally accepted that her hermitage was at Peakirk, though it must not be assumed that she remained there after her brother's death.

The building on Anchor Church hill had been turned into a cottage by the early eighteenth century and, after this was pulled down, the surrounding ground was called Anchor Church Field. A curious story, learned from Canham, is reported by Moore (1879, 133, fn. 1): "Until this year (1866) this property was in the possession of the Hicklings, who superstitiously protected it." Colgrave (1956, 176-77) suggests that this

may indicate a local memory of Guthlac's descent from Icel, pointing out that the saint's father is described as of the family of Iclingas in the Old English translation of the *Vita sancti Guthlaci*, but it is more likely only coincidence that a family of Hicklings should in the nineteenth century own this property.

ARMS

The arms of Crowland are three knives and three whips quarterly in the 1684 silver assay marks on the chalice and paten seen at Crowland by Gresley (1856, 4) and both knives and whips appear on the 1670 poor halfpenny. Knives and whips occur also in two of the three shields on Kenulph's Cross (see below).

Dugdale (1819, II, 105 and plate X) notes that the arms 'were formerly in separate shields on the cross at Finset' (*i.e.* Kenulph's or Thurketyl's Cross); in a footnote (*loc. cit.* fn. f) he adds Edmondson's description of the arms:

Quarterly: first and fourth *Gu.* three knives erect in fesse, *Ar.* their handles *Or.*; second and third, *Az.* three scourges erect in fesse, *Or.* with three lashes to each.

The initial letter of the beginning of Dugdale's account of Crowland (1819, II, 90) is modelled on this. However, it is also pointed out that the abbey arms are differently described in MS Ashmole 763 and in a Procession-Roll to Parliament from the time of Henry VIII (a manuscript then in Gole's collection):

Gu. a cross fleury *Or.* within a border *Az.* enéaluron of nine cross-crosslets *Ar.*

BOILING POT

The story that Guthlac 'enclosed the devil in a boiling pot' (Foxe's words) appears first in Higden's *Polychronicon* and thereafter in Trevisa (see section 7).

GOIN

Whips and knives appear on the 1670 poor halfpenny, noted by Gresley (1856, 4), Miller and Skertchly (1878, 73) and Kurtz (1926, 113, fn. 19).

GLASS

No early glass remains at the abbey. The windows were, according to Stukeley, broken by 'soldiers in the rebellion' when Crowland was garrisoned for Charles I and the parliamentary forces were at Peterborough (see Stukeley, 1724, 31 and Holdich, 1816, 121).

It is often suggested that the drawings of the Harley Roll were cartoons for windows (*e.g.* by Warner, 1928, 19) and the designs have been successfully copied in Market Deeping church in Lincolnshire. Canham (1894, 252) records his discovery of a fragment of glass 'near the great west window with ornaments and treatment very similar to the aforesaid drawings,' but nothing seems now to be known of this find.

Gresley (1856, 7, fn.) notes an eighteenth century 'picture of St Guthlac in fine painted glass' in what is now Boston church.

GUTHLAC'S STONE

The fullest account of this stone is printed by Canham (1894, 247). He describes it as a single stone, four miles from Growland on the Spalding road, near to the Brotherhouse toll-bar. Inscribed on it are the words:

AIO / HANC / PETRĀ / GUTHLA / CUS H'T / SIBI ME / TAM

Canham points out that the stone was probably 'renovated' sometime in the eighteenth century. Gough (1783, xv) notes that the stone was recut by one Edm. Webster *c.* 1750 and records Essex's suggested 1390 dating for it.

GUTHLAXTON HUNDRED

This is one of the six modern divisions of Leicestershire and the name was given to one of the four hundreds recorded in late eleventh century documents (Anderson, 1934, 43). The hundred originally included all the south west of the county, but is now rather more restricted, a great part of it being known as Sparkenhoe hundred. A list of names recorded for Guthlaxton hundred between the 1086 Domesday survey and 1428 is given by Anderson (1934, 44-45) who notes also:

The name is preserved in GUTHLAXTON Bridge (Old I" OS), 1 m. SW. of Narborough, carrying the Fosse Way across a tributary of the Soar (also in Guthlaxton Gap 6" 43 NE, in the Fosse Way): according to Nichols [1810 IV. pt i. 140] there was a tradition that the hundred-court used to be held on a piece of land, called Guthlaxton Meadow in Cosbypar (S. of Narborough); this place was clearly near those marked on the Ordnance Survey.

Nichols (1810, IV, pt i, p. 7) records also that a deanery in the area was called 'Guthlaxton Deanry.'

KENULPH'S STONE

Canham (1894, 247) gives this name to the base of a cross (?) which then remained on the bank of the old bed of the river Welland as the 1817 county division between Kesteven and Holland; he suggests that

the shaft may have been thrown into the river during some boundary dispute between Crowland and Deeping.

For Kenulph's cross, see Thurketyl's cross.

KNIFE

Stukeley (1724, 31) describes one of the figures of the West Front of the abbey as Guthlac:

... with whip and knife, as always painted; they [the figures] were cut in a soft kind of stone, and drawn over in oyl colour with gilding.

Knives figure on the arms of Crowland, on the 1684 assay mark, the 1670 coin and Thurketyl's cross. On St Bartholomew's feast day all comers were welcome at the abbey and were given knives. The knives provided in the year of the dissolution were 'in anger thrown into the river;' see Gresley (1856, 5).

PIG

A sow and her pigs, the sign for Guthlac to land and build his hermitage at Crowland, is seen in the bottom relief of the West Front quatrefoil. A similar foundation legend is connected with St Brannock and his church at Braunston in North Devon (Sillar and Meyler, 1961, 17). Gresley (1856, 4) points out that such legends may owe much to the directions given by Helenus in the fourth book of the *Aeneid*.

PSALTER

One John Lambert is recorded in 1538 as having seen at Crowland Abbey a book called 'St Guthlake's Psalter' which was kept as a relic. He recognised it as being in Old English and perhaps thought it a translation made by Alfred:

There [in Higden's *Polychronicon*] it is showed, how, when the Saxons did inhabit the land, the King at that time, who was a Saxon, did himself translate the Psalter into the language that then was generally used. Yea I have seen a book at Crowland Abbey, which is kept there for a relic; the book is called St Guthlake's Psalter; and I ween verily it is a copy of the same that the king did translate, for it is neither English, Latin, Greek, Hebrew, nor Dutch, but somewhat sounding to our English; and, as I have perceived since the time I was last there, being at Antwerp, the Saxon tongue doth sound likewise after ours, and is to ours partly agreeable.³⁵

³⁵ Townsend and Catley edition of Foxe's *Acts* 1837-41, V, 213.

Cook (1898, xix) points out that Ussher thought this psalter still at Crowland in 1690, but he may not have seen it himself as he refers to Lambert's testimony. Colgrave (1956, 14, fn. 2) suggests that this psalter was perhaps the translation now known as the *Paris Psalter*, but there are no grounds on which such an identification can be made. Certainly Guthlac is included in the litany of saints of the *Paris Psalter*, but so are many other Anglo-Saxon saints, for example Cuthbert, Aidan, Dunstan, Swithun, Ætheldryth, Ælfgifu and Sexburh (see Krapp, 1932, xii). The psalter seen by Lambert may have been prefaced by some Guthlac material (as is the Jumièges Missal or 'book of St Guthlac') and for that reason popularly called the St Guthlac Psalter.

A psalter was connected with the saint in Crowland traditions and is referred to by Henry of Avranches whose account of Guthlac's loss and recovery of it (lines 445-56 of his poem) is probably the first evidence for this story. A large important looking book, perhaps meant to remind the spectator of Guthlac's psalter, appears in nine medallions (numbers 3, 4, 6, 8, 9, 11, 12, 15 and 17) in the Harley Roll and a tradition of Guthlac's psalter was known to the author of the *Historia Croylandensis* where it is recorded that Pege gave Kenulph both a psalter and a scourge which had belonged to her brother (see also under SCOURGE below).

ROOF

Stukeley (1724, 31) notes that the gilded roof of Irish oak which had been in the abbey was by that time distributed 'so that instead of one, most of the houses of the town are become religious'. This is mentioned here only because it is possible that wood carvings which might have utilised the Harley Roll cartoons could have disappeared with this ceiling.

SCOURGE

Although in Felix's *Vita sancti Guthlaci* the saint is scourged by his demon-tormentors, other traditions give to him a whip with which he scourges the demons. The eighth cartoon of the Harley Roll shows Bartholomew handing a three-lash whip to Guthlac and the ninth Guthlac about to lash a demon with this whip. Some such tradition was known also to Henry of Avranches (line 526), and is commemorated in the Henry Longchamp seal (see under SEAL). The author of the *Historia Croylandensis* seems to have known a similar story, for he relates that Pege left among other relics Bartholomew's scourge and her brother's psalter in Kenulph's hands when she went to Crowland to elevate Guthlac's relics (see Fulman, 1684, 7); Ingulf records also that both scourge and psalter were among the valuables taken away for safety during the Danish invasions.

SEAL

The most recent account of the seal of Henry Longchamp, abbot of Crowland 1191-1236, is to be found in Warner (1928, 23). The seal bears the legend: *Sigillum commune abbatis et conventus Croylandie*. On it are represented Bartholomew with a book (the psalter?) and a three-lash scourge, a bush with a bird (crow?) perched in its branches, and Guthlac.

SWEET AS CROWLAND BELLS

According to Stukeley (1724, 31): "In the middle of the cross stood once a lofty tower and a remarkably fine ring of bells, of which there is a proverb in the country still remaining." The phrase 'sweet as Crowland bells' is recorded by Miller and Skertchly (1878, 77). Bells were cast during the abbacy of Egelric, six named for Bartholomew, Bettelm (*i.e.* Beccel), Thurketyl, Tatwine, Pege and Bega; a larger bell, named for Guthlac, had earlier been cast under Thurketyl's direction (Ingulf's evidence).

TABLE

A table (*tabula* — panel? painted plaque?) was seen at Crowland by Leland (Hearne's 1774 edition, IV, 29-30) who describes it:

S. Guthlacus heremita Croylandiæ insulam à demonibus liberavit, tandemque ibidem obiit, & sepultus est.

S. Cyssa, ex pagano factus Christianus, successit Guthlaco.

Etheldrutha, Offæ regis filia, & uxor Ethelberthi regis & martyris, postea monialis ibidem sepulta.

Beccelinus, S. Gudlaci discipulus, ibidem sepultus.

Ethelbaldus, rex Merciorum, post Gudlaci anachoritæ tempora Groylandiam adduxit monachos, & ecclesiam novam fabricavit, quæ postea per Hinguarum & Hubbam penitus spoliata & destructa fuit.

Ecclesia vero, quæ nunc extat, opus fuit Ingulphi Normanni, ejusdem monasterii abbatis.

THURKETYL'S CROSS (sometimes called Kenulph's Cross)

By Canham's account (1894, 247) this cross, which lies between Thorney and Crowland near where Lincolnshire, Northamptonshire and Cambridgeshire meet, has a bold base with four shields upon it. One of these was by then defaced (so all earlier modern accounts); the others depict a cross, three knives and three whips.

WEST DOOR QUATREFOIL

The quatrefoil, centred on a fifth relief sculpture, above the West Door of the abbey is variously interpreted by the antiquaries. There is general agreement as to the subject of the bottom scene which shows three men in a boat, a tree, and sow with litter. This is taken as Guthlac's discovery of his hermitage (Stukeley's account was known to Gough, 1783, 91, and Gresley, 1856, 4, who agree in this description). Both Gough and Warner (1928, 12) compare this scene with the fourth Harley Roll medallion (which however lacks pigs).

The central scene is described by Gough 'as of a monstrous swoln demon tempting a man'. Gresley reports that one figure holds a switch and that a block of stone can also be identified, an interpretation followed by Bolton (1954, 37) who takes as this scene's subject 'Guthlac builds his habitation'.

The top scene is described by Gough 'corpse carried by angels', and he notes also that 'Deity or angel descends.' For Stukeley (Gresley, 1856, 5) too this is a scene of deification, but with an angel holding the saint's head and a devil his feet, and above another angel 'on the wing'.

Gough identifies in the left hand scene a kneeling figure before an altar, another sitting figure and, behind this second figure, a second altar (hand corrections in Bodley, Gough Lincoln 5 copy of Gough 1783). Holdich (1816, 119), interprets this scene as the saint dying or dead, with attendant and an angel descending, but for Gresley it contains two females by a shrine. The sitting figure he thinks Edelfleda, the daughter of Offa who became a religious at Crowland. This explanation of the scene should not surprise when his knowledge of the Guthlac legend is examined:

If this be not a true interpretation of the story, it is some famous miracle wrought at his shrine, which we cannot recount for want of the histories of his life, now lost: one whereof was compiled by William de Ramsey abbot here: and likewise by Foelix, a monk of the Abbey. Another monk epitomized it, at the instance of Wolfin the Prior. Joffrid, Abbot, too, wrote his life. All lost.

His knowledge of the legend was based upon a careful reading of the Ingulf chronicle and consultation of Stukeley's writings whose wording he echoes. Bolton (1954, 251) lists this leaf of the quatrefoil as Headda's ordination of Guthlac and consecration of his church.

The right hand leaf, according to Gough, shows Guthlac on his deathbed: one person is present and a deity or angel descends from heaven. For Holdich (1816, 119) the right hand side represents the consecration of Guthlac. Stukeley (Gresley, 1856, 5) suggests that the saint is on his shrine and that the 'person over him is lamenting, and embalming the

body'. For Bolton (1954, 252) Guthlac is being buried in his oratory by Beccel and Pege.

Much ingenuity could be spent on these scenes and little certain explanation of them reached. Despite his apparent switching of the right hand and left hand leaves in his account, Holdich's summary of the purpose of the quatrefoil (1816, 119) is probably the best interpretation advanced: ... the sculpture, in few, represents his *arrival* at Croyland; his *temptation*; his *consecration*; his *death*, and *apotheosis*.

A FINAL NOTE

At the dissolution of the monasteries³⁶ much Guthlac material must obviously have been lost, for local saints were no longer venerated. In this respect it is worth remembering Foxe's words about St Guthlac:

... a confessor, who, about the four-and-twentieth year of his age, renouncing the pomp of the world, professed himself a monk in the abbey of Repingdon; and, the third year, after, went to Crowland, where he led the life of an ancho-rite. In which isle and place of his burying was builded a fair abbey, called afterward, for the great resort and gentle entertainment of strangers, "Crowland the courteous." But why this Cuthlake should be sainted for his doings, I see no great cause; as neither do I think the fabulous miracles reported to him to be true: as where the vulgar people are made to believe that he enclosed the devil in a boiling pot, and caused wicked spirits to erect up houses; with such other fables and lying miracles.³⁷

Foxe, although a Boston man, is drawing his knowledge of Guthlac largely from Higden's *Polychronicon*, chooses the source which would by his way of thought show up St Guthlac's cult in the worst possible light. Yet, his attitude should be noted, for it marks much writing on the saint even in more modern times. Indeed, as late as the early nineteenth century Holdich's history of Crowland is in the same tradition.

Many important discoveries about the Guthlac cult were made by antiquarians and, as in apparent from this checklist, the journeys and collections of such men as Bale, Leland, Hearne, Cave, Dugdale, Stukeley and Schnebbelie have still to-day much value in any study of extant materials relevant to the examination of the legend of St Guthlac. So far as historical aspects of the Guthlac question are concerned modern scholarship might be said to begin with the Victorians, although even they have some curious things to say. For example, Baring Gould states that Guthlac:

³⁶ For Crowland 1539 A. D. (see Knowles and Hadcock (London, 1953), 63.

³⁷ Foxe 1837-41 edition I, book ii. 357.

... saw hairy figures leaping about his island, and talking in British. His imagination caused him to regard them as devils, but there can be no doubt as to who they were, some of the Old British who had been driven by the Saxon invaders into those wilds...³⁸

Kingsley explains this episode of the *Vita sancti Guthlaci* in terms of 'the delirious fancies of marsh fever' and, in his eulogy of the saint, acclaims him as:

... the spiritual father of the University of Cambridge in the old world; and therefore of her noble daughter, the University of Cambridge, in the new world which fenmen sailing from Boston deeps colonized and Christianized 800 years after St Guthlac's death.³⁹

Such extravagances might be expected from writers of the preceding centuries, rather than from scholars of so recent a date.

Throughout the whole modern period some continuity of tradition from the mediaeval period can be recognised, for many of the notes and references to Guthlac recorded in hagiographic collections stem ultimately from early (some pre-dissolution) printed legendaries⁴⁰ instead of from Felix's *vita*. Indeed, no printed text of Felix's *Vita sancti Guthlaci* was available until 1672⁴¹ when a text was edited by the Maurists; it is therefore hardly surprising that the early accounts of the saint should so often go back to the twelfth century life to be found in the *Nova Legenda Anglie*.⁴²

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³⁸ Gould 1897, IV, 169.

³⁹ Kingsley 1868, 308.

⁴⁰ This question is discussed by Bolton in his 1954 dissertation.

⁴¹ See p. 3, fn. 2, for a list of previous editions of this life.

⁴² See section 4a. (ii).

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New Men among the Lay Counselors of Saint Louis' Parlement *

QUENTIN GRIFFITHS

"L'ENTOURAGE du roi c'est l'état," said Langlois in his work on Philip III.¹ The state which Philip inherited in 1270 was vastly different from that which his father Louis IX had inherited in 1226; it was more an administrative than a feudal monarchy, and the appearance of new men among Louis' counselors was a major cause of the change. The laymen were of more modest social origin than the traditional Capetian counselors, the *petits seigneurs*, and owed their livelihood and advancement to royal recognition of their individual qualifications. The purpose of this paper will be to trace the change in the nature of the monarchy through the special roles of the royal bailiffs and other ordinary knights in the judicial sphere of the central government. The new lay counselors were recruited largely from those parts of the royal domain in the north where the towns were multiplying, and where, even before the commitment to royal service, there were ample opportunities for acquiring legal experience. With their clerical counterparts (who deserve a special and more extensive treatment than is possible here), such men began to take their regular places in the *curia* in the second decade of Louis' reign, and quickly dominated the judicial sessions of that body, the nascent *Parlement*. The emergence of these specialists thus coincides with the crystallization in the mid-thirteenth century of an institution which profoundly transformed the feudal monarchy.

To support this judgment of the significance of these new men, it will be necessary to examine the social and geographical sources of their recruitment, the preparation they received for their roles in *Parlement*, and the contributions they made, individually and collectively, as members of it.

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¹ Charles-V. Langlois, *Le Règne de Philippe III le Hardi* (Paris, 1887), 13.

The demand for career specialists in the central government is evident in the appointments of department heads in the king's household, the *hôtel* proper. By 1240 ordinary knights like the pantryman Geoffroi de la Chapelle were displacing the *petits seigneurs* in such offices, with their domestic titles unrelated to their public duties in *Parlement*. In this process, the Great Officers of the crown had provided a wedge, permitting the displacement of feudal lords in the king's councils by the new servants of the crown. But the last Great Officer with a key role in the government was the *chambrier* Jean de Beaumont, who held office from 1240/1 to 1252 (?).² The Great Officers were chosen as often for their families' reputation for loyalty to the crown as for their individual qualities; and it was only natural that the king should single out, by appointments to offices in his personal household, men of humbler origin whose interests were more confined to their service with the king. The head of the chamber in the *hôtel* from 1255 till the king's death, the *chambellan* Pierre de Villebéon, was Louis' closest confidant, along with his brother Alphonse and confessor Robert de Sorbon. In contrast to the essentially military nature of the contribution of Jean de Beaumont, Pierre's service was primarily in the field of diplomacy. Such was his prestige as counselor that he was referred to by 1258 as *chambellan de France*,³ a title paralleling those of the Great Officers, and reflecting the fact that even this office had lost its essentially domestic character. Pierre, however, was not a "new man;" a member of a distinguished family of royal officers, he was the last *petit seigneur* to hold a recognized office in the *hôtel*. It was the son of an ordinary knight, Pierre de la Brosse, who enjoyed the royal favor as Philip III's *chambellan*; and from this class, according to Langlois, each future reign was to see its first ministers rise and fall.⁴ Moreover, the qualities of Pierre de Villebéon, however great as a general adviser, were not of the specialized legal nature required by the emerging *Parlement*, and there is only one recorded instance of his presence there, in 1261.⁵

² Raymond Cazelles' argument that new duties assigned the Great Officers under Philip IV made them still useful, is well taken ("Un problème d'évolution et d'intégration: Les Grands Officiers de la couronne dans l'administration nouvelle au moyen âge," *Annali della Fondazione Italiana per la storia amministrativa*, 1 ([1964] 184); but he greatly exaggerates the roles of the butler and constable as presidents of the *Chambre des Comptes*.

³ Emile Richemond, *Recherches généalogiques sur la famille des seigneurs de Nemours du XII^e au XV^e siècle* (Fontainebleau, 1907/8), 2, 119, p.j. XXIV.

⁴ Langlois, *Philippe III*, 13-14.

⁵ See List II: Members of *Parlement*, which includes known cases for which the members were included in the record. Pierre appears in 1268 at a general session of the *curia* (List I). Reference should be made hereafter to Lists I & II for sessions and cases not otherwise cited in footnotes.

These more specialized qualities are to be found in two men who headed other departments of the *hôtel*, the master pantryman Geoffroi de la Chapelle and the master cook Gervais d'Escrennes. While their titles of office, like the *chambellan*'s, were now apparently honorific, there was no element of family prestige to explain their appointments, for they were ordinary knights, and as such their careers deserve consideration as links to the group of laymen without specific household titles who began to constitute the king's major counselors in the judicial sphere.

Geoffroi de la Chapelle, from La-Chapelle-la-Reine near Fontainebleau, probably succeeded Philippe de Nemours as master pantryman at the latter's promotion to master *chambellan* in 1240.⁶ Geoffroi was one of the second generation of a new family of royal servants: his father Guillaume had been bailiff of Caux and then a master of the Norman exchequer; Geoffroi and one brother, Thibaut, also served as bailiffs, Geoffroi in Caux from 1212 to 1238; and a Robert and another Guillaume were perhaps related, for in 1257 they were squires in the royal stables.⁷ Both during and after his tenure as bailiff, Geoffroi acted as agent on important diplomatic missions for the king: for example, he warned Count Thibaut of Champagne in 1232 that his fiefs would be forfeited if Thibaut married the daughter of Pierre Mauclerc, and in 1241 he witnessed the sale of the county of Macon to the king by the widow of Jean de Dreux.⁸ But it was his arbitrations which, together with his experience as bailiff, prepared him for and paralleled his specialized role in *Parlement*. Some were clearly carried out on the king's orders, as in 1233 when he helped to determine the compensations to be paid by the citizens of Laon to the bishop, or in 1243 when he arbitrated between Thibaut and the crown concerning the boundaries of the royal domain.⁹ Some were perhaps in his individual

⁶ Richemond, *Nemours*, 1, 207.

⁷ J. R. Strayer, *Administration of Normandy under St Louis* (Cambridge, Mass., 1932), 92, n. 3; 93; 96. Robert and Guillaume are mentioned in the sale of houses to the king in 1257 (*Layettes du Trésor des Chartes*, ed. Teulet et al., 3, 359, #4343). According to Borrelli de Serres, there may have been two Geoffrois, father and son, both involved in Norman affairs (*Recherches sur divers services publics du XIII^e au XVII^e siècle*, Vol. 1: *Notices relatives au XIII^e siècle* [Paris, 1895] 214 & n. 6). But, if so, Léopold Delisle questions his certainty that the elder Geoffroi, the pantryman, was bailiff as late as 1243 ("Chronologie des baillis et des sénéchaux," in *Recueil des historiens des Gaules et de la France*, ed. Bouquet et al. [hereafter referred to as *HF*], 24: 1 [Paris, 1904], p. *112; see also pp. *55, 97 & 110-11).

⁸ 1232: Jean, sire de Joinville, *Histoire de Saint Louis*, ed. Natalis de Wailly (Paris, 1874), para. 80-81 (hereafter cited as Joinville). 1241: L. S. Le Nain de Tillemont, *Vie de Saint Louis*, ed. Julien Philippe de Gaulle (Paris, 1847-51), 5, 356, ref. Arch. Nat., JJ31 f^o 80 v^o. See also: *Layettes*, 2, 129, #1937 (1227); *HF*, 23, 676-H (1234); and *HF*, 22, 677-L and 678-D (1245).

⁹ 1233: *Layettes*, 2, 244, #2228. 1243: *Layettes*, 4, 481, #3115², correcting date in 2, #3131. See also: *Layettes*, 2, 255, #2253 (1233); and 2, 563, #3338 (1245).

capacity, but probably with the king's blessing, like the arbitration in 1239 between the abbey of St Vaast and the castellan of Arras.¹⁰

Geoffroi's career as counselor of the crown was equally impressive. During Blanche's second regency from 1248 to 1252, he was one of the eight outstanding members of the council; he stayed in France during the crusade, as indicated in a letter from Egypt in 1249 from Jean de Beaumont, who addresses him as "pantryman of France" and his "most special friend."¹¹ From 1236 to 1253 his name appears regularly at those sessions of the *Parlement* for which the members are shown, and he is one of the first specialists within that body, not only a counselor but a veritable magistrate, responsible as the king's representative for technical direction of the debates and the rendering of judgments, as in 1244, 1252, and 1253.¹² Thereafter his public activity apparently ceased, and he was probably dead by the time Barthélemy Tristan appears as master pantryman in the *ordonnance* of 1261.¹³ In 1260, in an investigation before *Parlement*, he, or his son, was accused of injuring a squire, but the prosecution failed to prove the charge.¹⁴ Not enough is known about his private transactions to evaluate the contribution to his income of his arbitral or other "unofficial" services. He may have sold his *fief-rente* of £ 50 (Tours) to his liege lord Gaucher, *seigneur* of Crécy, so as to owe liege-homage solely to the king.¹⁵ In 1209 Philip Augustus had rewarded him for his services with lands in

¹⁰ Arch. Dépt., Nord, B-1593, *Premier Cartul. d'Artois*, pièce 117.

¹¹ *Archives de l'Orient latin*, Société de l'Orient latin (Paris, 1881-4), I, 389-390. He has this title in two documents of 1250 (Bibl. Nat., MS lat. 17020, f° 146, and Arch. Nat., S 1033, #20^{ter}). See also List I. In 1235, while still bailiff, he had joined in the lay barons' complaint to Gregory IX (*Layettes*, 2, 298, #2404).

¹² See List II. Borrelli de Serres is wrong in asserting that Geoffroi served only as the king's representative and not as a counselor (*Recherches*, I, 213-4), for he was specifically so labelled in 1253 when he again rendered the judgment of the court. Cf. C.-V. Langlois, "Les Origines du Parlement de Paris," *Revue Historique*, 42 (1890), 89; Langlois, *Textes relatifs à l'histoire du Parlement de Paris*, (Paris, 1888), 39, #XXIV; and his review of Borrelli de Serres' *Recherches* in *Journal des Savants*, eighth year (December, 1910), 538. The case in the Parlement at Pontoise of 1244 is discussed below, p. 252 and note 87.

¹³ L. Douët d'Arq, *Comptes de l'hôtel des rois de France...* (Paris, 1865), iii. The author of *Le livre de justice et de plet* (ca. 1260) attributes to Geoffroi, as to other early members of *Parlement* and to Saint Louis, doctrines which for the most part are clearly identifiable with the Digest (*Livre de justice*, ed. Rapetti [Paris, 1850], Table anal., 432).

¹⁴ A. Beugnot, ed., *Les Olim* (Paris, 1839), I, 109, #XV.

¹⁵ The same *rente* once held of the count of St Pol (*Layettes*, 3, 285, #4235 and 4236). Cf. the possibly parallel situation of Pierre de Fontaines, below, p. 252 and note 89. In July of 1233 he donated to the abbey of Froidmont (Oise, arr. of Beauvais, c^{on} of Noailles) the champart of lands in the area of Cormeilles (same arr.) which he had just acquired by exchange (Bibl. Nat., MS lat. 5471, *Extraits du Grand Cartul. de l'abbaye de Froidmont*, f° 287, p. 334).

Caux.¹⁶ Unlike the younger magistrate Pierre de Fontaines, who clearly profited from his legal services to the king, there are no known grants to Geoffroi by Louis IX, though the office of pantryman was not only an honor but a source of maintenance.¹⁷

The other magistrate from the household, Gervais d'Escrennes,¹⁸ is first referred to as master cook in 1241. Galeran, bailiff of Etampes (1224-34) and Jean, seneschal of Beziers and Carcassonne in the same period as Gervais' service in the royal entourage, were perhaps his brothers. Records of his domestic and supervisory responsibilities in the *hôtel* are confined to the wax tablets of 1256/7.¹⁹ But his diplomatic and arbitral activity began in 1241 when Louis sent him, with the abbot of Corbie, to demand the release of the prelates seized en route to Rome by the emperor Frederick II. This activity extended through 1258, when he arbitrated a dispute between the abbey of Luxeuil and the count of Champagne on the one hand, and on the other the two counts of Burgundy, the count of Bar and the lord of Choiseul. Gervais got the parties to accept a settlement, which lasted at least a short time.²⁰ His activity as magistrate apparently began in the second half of the reign. On 28 February 1256, in the hall of the king's palace, he was assigned as special judge, together with the keeper of the seal, Raoul de Grosparmy, and the lawyer Pierre de Fontaines, to decide a problem of jurisdiction between the king and the archbishop of Rouen; the judges confirmed a decision of the exchequer of Normandy thirty-eight years before, that the archbishop and not the king had *seisin* and the right of patronage of the church of Gueneville. Between 1255 and 1261 he sat in *Parlement* with a regularity matched only by Pierre de Fontaines and Simon de Clermont. In March of 1252 Louis had assigned Gervais, a member of the entourage in the Holy Land,²¹

¹⁶ Léopold Delisle, ed., *Catalogue des Actes de Philippe-Auguste* (Paris, 1856), 261, #1127; *HF*, 23, 640-A & *pass*.

¹⁷ Even ordinary knights in the king's household enjoyed maintenance and periodic "gifts", and most officers were salaried at least by 1261. See the *pallia militum* of 1231 (J. P. Ludewig, *Reliquiae manuscriptorum*, v. 12, Bk. I); 1239 when he rated only L5; and 1241 when he was at the top (*HF*, 22, 587 & 617). Cf. note 13 above and note 194 below.

¹⁸ Escrennes is on a tributary of the Seine south of Paris in the present department of Loiret near Pithiviers.

¹⁹ 1241: *HF* 21, 323 -E & *pass*... Only Galeran, dead by 1236, and Jean are identified by Delisle (*HF* 24: 1, *52 and *248).

²⁰ 1241: Elie Berger, "St Louis et Innocent IV": Introduction, *Registres d'Innocent IV* (Paris, 1884-1911), II, iv, n. 2. 1246: he received pledges of security for the countess of Flanders (*Layettes*, 2, 600, #3456-8; 607, #3476-8). 1258: Berger, "Les Dernières années de St Louis," Introduction, *Layettes*, 4, xxvii; he also witnessed the treaty with Aragon (*Layettes*, 3, 408, #4411).

²¹ Joinville, para. 626 and 648.

a £ 50 annual *rente* in fief and liege homage, payable at the treasury to him and his heirs until specific land should be designated for the purpose²² — a modest but rare mark of royal appreciation.

Just as essential to the establishment of a trained nucleus of magistrates in the *Parlement* were the activities of clerical and lay specialists without recognized posts in the *hôtel* proper but whose legal expertise was valued by the king. Among the active lay members of *Parlement*, there remained two *grands seigneurs* whose social origins were no longer typical of the king's judicial counselors, but whose places of origin and special abilities conformed to the new pattern of recruitment: the cousins Jean II de Nesle, count of Soissons, and Simon de Clermont, lord of Nesle.²³ The remainder, like Geoffroi de la Chapelle, were ordinary knights and royal bailiffs, and will receive our major attention.

Jean de Nesle was lord of Chimay and Tours and from 1234 count of Soissons²⁴ jointly with his father Raoul until the latter's death in 1237, and in his own right thereafter. The small county lay on the eastern fringe of the bailiwick of Senlis. His family was from Nesle in the Vermandois to the northwest and now royal domain. It would appear to be more than coincidence that Jean and the other outstanding legal specialists came from this same general area — a circumstance to be considered further on.²⁵ Jean was present at all the important military and advisory gatherings of the court in the early stages of the reign; he was doubtless preoccupied with his county after the death of his father, and the occasions for his appearance at court thereafter were largely ceremonial. He appears in the *pallia* of 1239;²⁶ and at the gathering at Saumur in 1241 for the knightng of the king's son Alphonse, he "cut at the king's table."²⁷ Between 1221 and 1236 he was at most of the judicial sessions of the *curia* for which we have the names of the members, and he was present again in 1261. Moreover, he contributed to the *curia*'s appellate jurisdiction when, in 1224, it agreed to hear his case against the countess of Flanders on the claim that she had failed to give him justice (*défaute de droit*) in her court;

²² *Layettes*, 3, 152, #3986.

²³ William Mendel Newman, *Les seigneurs de Nesle en Picardie, XII^e siècle à 1286* (Paris and New York, 1969).

²⁴ Soissons: in the present department of the Aisne; Chimay and Tours: over the Belgian frontier to the northeast.

²⁵ See below, p. 248 & 259.

²⁶ *HF*, 22, 587, para. 5.

²⁷ A ceremonial domestic role (Joinville, para. 94; cf. De Wailly's *Eclaircissement* #IX, p. 484). As late as 1256 he was repaid for some sort of expenses by the *caisse* of the *hôtel* (*HF*, 21, para. 49 & 50).

it was on this occasion also that the court gave the king's Great Officers the right to sit in judgment on the "peers of France."²⁸ In every case involving a member of the lay nobility he appears to have supported the crown. Only at the hearing for Enguerrand de Coucy, when the king was reaching beyond his rights as suzerain, is his position less clear to us. Enguerrand, accused of putting to death two men caught poaching on his land, was accompanied to the hearing by Jean and "almost all the great barons," and we are told that the accused took counsel with all the barons before replying to the king that he would defend himself in combat but not submit to an investigation because "it affected his person, his honor, and his lineage." We do not know whether Jean de Nesle remained with the king, who is said to have been left alone during this consultation except for the members of his household.²⁹

Jean was referred to as the king's *chevalier privé*, for his talents were not confined to legal affairs. He served as envoy to Provence in 1234 to arbitrate a settlement between Raymond Berenger and Raymond VII of Toulouse; he afterwards escorted the former's daughter Margaret to Paris for her marriage to the king.³⁰ His courage and sense of humor during the Egyptian campaign are recorded by Joinville, his first cousin by marriage. While protecting the king's rear at Mansourah, he remarked to Joinville: "Let the rabble hoot, for by the *coiffe-dieu*, we'll talk about this day, you and I, in the ladies' chambers."³¹ Like the other "rich men" who had been captives on the galleys, he sailed away for France immediately upon his release. But he took the cross again in 1269 and died on the crusade to Tunis in 1270.³²

Of particular interest as a manifestation of a non-feudal element in the "feudal monarchy" is Joinville's mention of Jean as one of those who helped to handle the pleas of the *porte* for the king; actually, this was an old principle which the king was reasserting, that of judging personally with the advice of whomever he chose.

My lord of Nesle³³ and the good count of Soissons and the rest of us who were around him [the king] who had heard our masses, went to hear the pleas of the *porte*, which now [1309?] are called the *requêtes*. And when he returned

²⁸ Langlois, *Textes*, 35, #XXI; E. Boutaric, *Actes du Parlement de Paris*, 1 (Paris, 1863), cciii, #13.

²⁹ Guillaume de Saint-Pathus, *Vie*, *HF*, 20, 114-A; unfortunately, there is no official record of this trial. See below, p. 267 and note 166.

³⁰ *Layettes*, 2, #2270 & 2275; Guillaume de Nangis, *HF*, 20, 422-B & 323-C.

³¹ Joinville, para. 238-242.

³² Joinville, para. 379; *HF*, 20, 307; Guillaume Guillart, *HF*, 22, verse 11838.

³³ Simon de Clermont.

from church, he sought us out and sat at the foot of his bed and had us sit around him and asked us if there were any [pleaders] to dispatch that couldn't be dispatched without him. And we named them to him and he ordered that they be brought out and he asked them: "Why do you not take what our people offer you?" And they said, "Sire, because they offer us little." And he said to them, "You would do well to take what they³⁴ are willing to offer" and the saintly man attempted with all his power to put them on a just and reasonable path.

...Many times it happened that he sat in the woods of Vincennes after mass against an oak and had us sit about him. And all those who had business came to speak to him without the annoyance of guards or others. And then he asked them himself if there was anyone who had a case in hand.... And then he called my lord Pierre de Fontaines and my lord Geoffroi de Villette and told them, "Dispatch me this case."

And when he saw something to correct in the statements of those speaking for him... he corrected it himself.³⁵

The correspondence between the men mentioned by Joinville and the "masters of *Parlement*" is already evident, although the term does not appear regularly till 1269, and not until the reign of Philip the Fair were the advisers for these pleas called "masters of the *requêtes*." It is uncertain whether Jean de Nesle himself served as a judge in these informal sessions; unlike Joinville, however, he, his son, and Simon de Clermont were members of *Parlement* and, during the last part of the reign, the only lords appearing regularly in that body, except for the officers of the household.³⁶

The other lord, Simon de Clermont-en-Beauvaisis, was lord of Nesle, the place of origin of the counts of Soissons. He inherited the title by his mother, Gertrude de Nesle, wife of Raoul I de Clermont and a cousin of Jean II de Nesle.³⁷ At Pontoise in 1252 he, Pierre de Fontaines, and two other "good men of the area" arranged an accord between the church of St Eloi and the commune of Noyon, a settlement drawn up before the "masters of the king's court," (the first application of this term to members of *Parlement*)³⁸ and he worked with Pierre in occasional investigations for *Parlement* thereafter. He was regularly in the royal entourage from at least 1256, receiving wages for his services. Besides assisting in the pleas of the *porte*, he appeared at almost all the sessions of *Parlement*,

³⁴ Presumably the royal officers of the ordinary tribunals.

³⁵ Joinville, para. 57-60.

³⁶ Renaud de Tricot, a bailiff, is sometimes referred to as "lord of Tricot"; below, p. 243. André Guillois thinks that Joinville, Simon, and Jean were merely spectators at the pleas of the *porte* (*Recherches sur les maîtres des Requêtes de l'hôtel du roi des origines à 1350* [Paris, 1909], 24). Simon, however, is specifically labelled as "master and judge" in *Parlement* in 1269.

³⁷ H.-F. Delaborde, *Layettes*, 5, 131, #402, note.

³⁸ Boutaric, *Actes du Parlement*, 1, cccxx, #32. All four men are called *messires* or *sires*. They are not clearly associated here with the *mestres* of the court.

from 1257 to 1285, and he was regularly designated as a "master" from 1269 on.³⁹

The extent of his formal legal training — if any — is unknown, but it is clear that he became a specialist at least by experience. In a session of *Parlement* in 1259 he was probably one of the counselors "worthy of trust and expert in the law" whom the king consulted and who advised him that the uncle of Jean de Valery, who was seeking the return of a castle, had been guilty of *lèse-majesté* and that Jean had lost the right of succession. The *enquête* had been conducted by Simon together with a clerk, Etienne de Montfort.⁴⁰ Simon provided legal advice to the king outside of formal sessions of *Parlement* as well. In 1254 he advised Louis to inflict the punishment of a public burning on a noble lady who had murdered her husband and thrown his body into a privy, and, despite the intercession of Queen Margaret and others, the king followed his advice.⁴¹ At an undetermined date Simon was one of several counselors to investigate the complaint of a *bourgeoise* of Melun against a servant of the king's kitchen, whom she accused of breaking into her home and violating her. Despite the pleas of several counselors to spare the man because he was a member of the king's household, Louis ordered Simon to have justice done, and the servant was hanged.⁴² Like Jean de Nesle, Simon was himself a litigant before *Parlement*, though never against the crown.⁴³

Like that of Jean and the officers of the household, Simon's diplomatic activity was varied and wide-ranging.⁴⁴ Although it will not detain us here, it helps to account for his preferred position in the king's entourage. In 1270 he was named one of the two regents when the king went on his second crusade.⁴⁵

³⁹ Whether the wages were specifically for service in *Parlement* is uncertain (*HF*, 21, 388, #378-A). Cf. Lot's comment regarding the date when members of *Parlement* began to be paid (F. Lot and R. Fawtier, *Histoire des institutions françaises au moyen âge: 2, Institutions monarchiques* [Paris, 1958], 76). See also List I.

⁴⁰ *Olim*, I, 461, #IX.

⁴¹ Guillaume de Saint-Pathus (*Vie*, *HF*, 20, 116-C, D), doubtless based on Simon's testimony at the inquest for Louis' canonization, when he was 73 (*ibid.*, 61-D).

⁴² *Ibid.*, 117-B; cf. another occasion, 116-D.

⁴³ Some time before 1258 (G. Ducoudray, *Les Origines du Parlement de Paris et de la Justice aux XIII^e et XIV^e siècles* [Paris, 1902], 376-7, n. 6, ref. Boutaric, *Actes du Parl.*, no. 233-A) and in 1268 (*Olim*, I, 717, #VIII).

⁴⁴ 1258: *Layettes*, 3, 408-9, #4411-2; *Layettes*, V, 229, #688; 1259: Thomas Rymer, ed., *Foedera, ... inter reges Angliae et alios... reges...*, I, part 1 (London, 1816), 384; 1260: Le Nain de Tillemont, *Vie de Saint Louis*, 4, 340, 1264: J. J. Vaissette, *Histoire générale de Languedoc*, 8 (Toulouse, 1879), col. 1519-26, preuve #507.

⁴⁵ R. Sternfeld, *Ludwigs des Heiligen Kreuzzug nach Tunis...*, (Berlin, 1896), app. A-XX; Guillaume de Nangis, *Gesta*, *HF*, 20, 441-D; *Chronicon*, 562-D.

By the middle of Louis' reign, however, the vast majority of the laymen in *Parlement* were from the same class as the bailiffs, like Geoffroi de la Chapelle and Gervais d'Escrennes: that is, the petty nobility. Most were already knights at the time of entering royal service and did not receive this rank as a result of such service; for example, Etienne de la Porte, Julien de Péronne, Pierre de Fontaines, Arnoul de Courferaud, Aubert de Hangest, and Geoffroi de Ronquerolles are knights from their first appearance in our sources. There were no bourgeois members of *Parlement* that we know of except Jean le Monnayer and Jean le Saunier, each of whom the registers of *Parlement* show only once, and only a few, such as Etienne Boileau, were among the investigators for *Parlement*. Pierre Tristan, one of the king's minor *chambellans*, who was knighted after completing royal service, was an exception rather than a typical case.⁴⁶ Indeed, except for Gervais and the two lords just discussed, the regular lay magistrates and members of *Parlement* from as early as 1236 were incumbent or former bailiffs, all but one of whom had served exclusively in the north. These included, among the more active, the following bailiffs or ex-bailiffs of Normandy besides Geoffroi de la Chapelle: Etienne de la Porte, who rendered a judgment on one occasion in 1255;⁴⁷ Gautier de Villers;⁴⁸ and Renaud de Tricot. The last, aside from regular activity in *Parlement* early in the reign, participated in numerous arbitrations, both as a private individual and with other royal officers, as in 1239 with Geoffroi de la Chapelle and Jean de Beaumont; and he is referred to as a "counselor" of the *curia*.⁴⁹ The activities of another bailiff in Normandy, Julien de

⁴⁶ Michelet (*Histoire de France*, rev. ed., 3 [Paris, 1861], 33-4), in attributing a non-noble origin to bailiffs such as Pierre de Fontaines, attempts to support his theory of the interdependence of the middle class and the monarchy; for example, he calls Pierre "head of Louis' counselors". It is impossible that he was made a knight by the king only after leaving office: though his rank in 1244 is unknown, he is called "*sires*" in 1252 (See p. 241 and note 38). Julien de Péronne was clearly a knight from 1258 (See p. 260 and note 128 below). Borrelli de Serres attempts to find a neat system of promotion within the 13th century civil service similar to that of which he was a member (*Recherches*, 1, 256 & note 4).

⁴⁷ Of non-Norman origin, presumably from the older royal domain (J. R. Strayer, *Administration of Normandy*, 93 & App. I, ref. *Olim*, I, 154, 166).

⁴⁸ Probably of the Norman family which provided other royal officers (Strayer, *Normandy*, 95-96 & 100-1, ref. Delisle, *HF*, 24, preuve #105).

⁴⁹ Another Beauvaisien (Tricot: Oise, arr. Clermont), he held several fiefs in the area, viz. a document of 1250 almost coinciding with his last appearance in *Parlement* (Bibl. Nat., MS lat. 5471, *Abbaye de Froidmont*, f° 2, p. 366). His title "lord of Tricot" is traceable to his father Pierre and probably a Renaud of the mid-twelfth century (Bibl. Nat., MS lat. 5473, *Cartul. d'Ourscamp*, f° 122 v° [1220]; f° 140 v° [Between 1133 and 1148], and f° 142 [1156]). Other arbitrations in 1230 (Bibl. Nat., MS lat. 11003, *Inv.-Cartul. de l'abbaye de Chaalis*, f° 340 v°); 1245 (September) with Jean de Beaumont and the bishop of Evreux (Arch. Dépt., Pas-de-Calais,

Péronne,⁵⁰ will be reviewed in more detail, along with those of Pierre de Fontaines.⁵¹ The latter, and Mathieu de Beaune,⁵² were bailiffs of Vermandois; both attended at least one session of the general *curia* before entering upon their terms as bailiffs.

Those whose bailiwicks were in the older royal domain included: Etienne "Tatesaveur" d'Orléans, whose name often appears in the acts of *Parlement* from 1259-63, 1265-67, and 1270-71, and who was probably a member as early as 1255 when he was defending the king's rights against the brothers of Vézelay;⁵³ Geoffroi de Villette, bailiff of Tours in 1261-62, who, although he does not appear in the records of *Parlement* itself, participated in the pleas of the *porte* and at least once in the general *curia*;⁵⁴ and Pierre d'Ernencourt, whose last post was in the north. Pierre, the only former seneschal in the south to have become a regular member of *Parlement*, was an aggressive administrator; he was a major cause of the administrative *enquêtes* of 1251 and an active arbitrator and agent for the king and Alphonse of Poitiers in the south after completing his seneschalship, and in the king's immediate entourage thereafter.⁵⁵

These and other bailiffs and seneschals were also active in judicial investigations for *Parlement*, as shown in List III, as well as in the quasi-official arbitrations encouraged by the king. The conducting of investigations, authorized by the court and subsequently reported to it, seems to have been an established institution by 1260 and was essential to the

liasse A-10); and in 1249 with Geoffroi de la Chapelle, in which he is identified as "sire de Trictoc, king's knight" (Arch. Dépt., Oise, G648, 1^{re} pièce). Like Geoffroi, he has attributed to him doctrines of Roman law in the *Livre de justice*.

⁵⁰ From Vermandois (Somme, seat of the *arrondissement*).

⁵¹ Certainly from Vermandois. See below, p. 251.

⁵² Origin uncertain, most likely Burgundy (department of Côte-d'Or) or Orléannais (Loiret). He had been bailiff of Orléans from 1254-56.

⁵³ *HF*, 24, *38.

⁵⁴ Villette: in Vermandois, either in the Noyonnais or near Sissonne (arr. Laon?) (M. Melleville, *Dictionnaire historique du département de l'Aisne* [Laon/Paris, 1865], 2, 164). Not to be confused with Gautier de [la] Villette, bailiff of Tours (1266-71) and an investigator for *Parlement*. Geoffroi was designated in 1271 as a counselor for Philip III's brother in the eventuality of a regency (Arch. Nat., J 401, no. 3).

⁵⁵ Origin: from Nogent-s-Marne (Seine, arr. Sceaux), as indicated in the donation made in 1234 to the abbey located near Versailles (Bibl. Nat., nouv. acq. lat. 826, *Cartul. de l'Hospice des Pauvres du Val-Notre-Dame*, f° 15, ch. XVIII, ref. to by Delisle, *HF*, 24, *372); he had made a donation to St Denis in 1225 (n.s.) (Arch. Nat. LL 1171, *Abbaye de St Denis*, f° 172); his family may have originated from Ernencourt (Oise). For his seneschalship and activity thereafter, see R. Michel, *L'Administration royale dans la sénéchaussée de Beaucaire au temps de Saint Louis* (Paris, 1910), App. V, 334; *HF*, 24, *78, *230, & *372; *Layettes*, 2, 495, #3039 & 529, #3162 & 3, 13, #3608.

functioning of that body.⁵⁶ The majority of the judicial investigators, in contrast to the administrative *enquêteurs*, were, as in England, laymen; and the investigations were similar to the financial and judicial duties in their bailiwicks. They operated typically as a team with another knight or with a clerk. Among the bailiffs in Normandy who were active investigators for *Parlement*, but do not appear as members of that body, was Arnoul de Courferaud.⁵⁷ In Vermandois Aubert de Hangest,⁵⁸ besides working for the *Parlement*, participated in a number of private inquiries and arbitrations,⁵⁹ as did Geoffroi de Ronquerolles, bailiff of Vermandois from 1261-66.⁶⁰ Only three former seneschals, besides Pierre d'Ernencourt and Geoffroi de Ronquerolles (both of whom thereafter held offices in the north) and Arnoul de Courferaud (earlier bailiff of Caen) were among *Parlement's* investigators: Guillaume d'Authon (or Autun), a key lieutenant of the king in Languedoc;⁶¹ Pierre d'Auteuil, another important agent of the king in the new domain of the south;⁶² and Raoul

⁵⁶ See List III: Agents for *Parlement*, to which reference should be made hereafter for investigation not otherwise cited. Unfortunately, the records prior to 1254 are incomplete, as the registers, the *Olim*, were instituted only in that year.

⁵⁷ Perhaps of a Norman family (Strayer, *Normandy*, 95, ref. *Olim*, I, 41; and L. Delisle, "Jugements de l'Echiquier de Normandie, 1207-1270," *Notices et extraits*, 20: 2 [Acad. des Inscriptions, Paris, 1862], #813), but its origin, today Les Couffreaux, was old royal domain (Loiret, arr. Montargis). For his activities, see, besides List III, an inquiry in 1269, in L. Delisle, "Fragments inédits...", *Notices et extraits*, 28: 2 (1872), 118.

⁵⁸ Origin: probably Vermandois, from either of two locations, both in department of Somme (H. Waquet, *Le Bailliage de Vermandois aux XIII^e et XIV^e siècles* [Paris, 1919], 22, n. 10 & App., 177, 187; *HF*, 24, *29).

⁵⁹ Viz. to settle the overlordship of Hersin as between the counts of St Pol and Flanders, not later than 1237 (Arch. Dépt., Nord, B-1593, *Premier Cartul. d'Artois*, pièce 194). In 1247, along with a canon of St Quentin, he arbitrated over rights in the land of Hangest between the chapter of this church and a Jean de Hangest, lord of Genlis (Dept. of Aisne; see L. P. Colliette, *Mémoires pour servir à l'histoire ecclésiastique civile et militaire de la province de Vermandois* [Cambrai, 1771-2], XIV, 47 & 95; and C. Hemeraeus, *Augusta viromanduorum...* [Paris, 1643], f° 234).

⁶⁰ Origin: Ronquerolles, either in the department of Aisne, arr. St Quentin, or Oise, arr. & c^{on} Clermont (Waquet, *Le Bailliage de Vermandois*, 175, n. 4). Arbitrations in July, 1264 in favor of the abbey of St Jean of Laon (Bibl. Nat., *Coll. Picardie*, côte 236, f° 221 v°); and in February, 1266 (n.s.) with Jean de Nesle, between Baudoin de Donchery and St Médard of Soissons (Arch. Dépt., Aisne, H 477, *Cartul. de St Médard*, f° 4^{vo}-6^{vo}). He or a like-named man helped negotiate the truce in 1243 between Louis and Henry III (*Layettes*, 2, 505, #3075). For his seneschalship of Beaucaire, see Michel, *L'Administration royale...*, App. V.

⁶¹ As in the negotiations with the bishops of Maguelonne and Le Puy (*HF*, 24, *232; *Layettes*, 3, 230, #4156; 349, #4324; 345, #4317; & 343, #4312; Vaissete, 8, col. 1548). Origin: environs of Dourdan, department Seine-et-Oise, arr. Rambouillet.

⁶² As in his investigation of the circumstances surrounding the surrender of the castle of Montréal to the late count of Toulouse (*HF*, 24, *53 & 250-1; Vaissete, 8, preuve #475). Origin Auteuil, Oise, arr. Beauvais.

de Trappes,⁶³ whose experience lay in the intermediate regions of Perigord and Limousin. Though mostly local administrators, these investigators were definitely advisers for the central government when they conducted an investigation, even when still serving as bailiffs,⁶⁴ since they were often sent to areas outside, though usually neighboring, their own jurisdictions. Geographical specialization is therefore evident among the laymen, who would naturally be more familiar with the law in neighboring territories.⁶⁵

The relative absence of southern office-holders, the seneschals, from the regular ranks of *Parlement* is understandable. It is harder to explain the exclusive recruitment for *Parlement* of men whose personal origins as well were in the north. (These have been identified in the text or in the footnotes when the individuals were first mentioned). The absence of seneschals was doubtless due to their preoccupation with the special problems and to the prevalence of a very different legal system, the written (Roman) law, in these newly acquired territories. Both Guillaume d'Au-thon and Pierre d'Ernencourt were extremely active investigators, and no doubt the burden of settling most cases on the spot fell upon the few who had the necessary experience — witness the fact that only two of Pierre's investigations actually reached the *Parlement*.⁶⁶ Pierre's career, on the other hand, illustrates the pattern of recruitment for *Parlement* itself: the only former seneschal to sit there, he had also served as bailiff of Amiens, and was a native of the Ile de France. What was needed in *Parlement*, then, were men whose experience both before and after entering upon their local administrations lay in the land of the customary laws — roughly north of the Loire — on which the authority of both the king and *Parlement* rested. But, more than that, few bailiffs were native Normans and only one of the latter was active in *Parlement*. This circumstance can be partly explained by the natural conservatism and tradition of the Capetians in drawing their counselors from the older domain and by the different customs of the Norman courts. Yet parts of Vermandois had not been in the royal domain much longer than Normandy, and it seems likely that the king placed a high value upon the

⁶³ Trappes: Seine-et-Oise, arr. Versailles.

⁶⁴ Contrary to Borrelli de Serres; see note 67 below. For example, Etienne Tatesaveur; Julien de Péronne during almost his entire activity as bailiff; Mathieu de Beaune (1258) — see List III. If their activity as investigators corresponds roughly with that as bailiffs, this is probably because they entered royal service at the same time.

⁶⁵ In the list of agents, List III, I have attempted to exclude cases where an individual bailiff was conducting an investigation on his own initiative in his capacity as bailiff.

⁶⁶ See note 55 above.

legal experience already acquired in "private capacities" by men in this more urbanized area, as in the Ile de France and intermediate territories. This hypothesis can be supported more adequately in connection with the career of Pierre de Fontaines discussed below.

What is most significant, then, in the close identification of the bailiffs with *Parlement*,⁶⁷ is that they provided excellent recruiting ground for the new type of lay counselor who made that body more representative of the sovereign power of the king: the man of modest, if usually still noble birth, whose welfare depended on career service with the crown. Ducou-dray comments that the "30 clergy" and "25 knights and former bailiffs" in the thirteenth century *Parlement* were "judges, just like the barons and bishops."⁶⁸ Indeed, they were even more like real judges than the barons, at least, for the bailiffs were already experienced magistrates. The bailiff was primarily a *justiciarius*, even though he was still obliged to be a capable general administrator and soldier.⁶⁹ And the standards of qualification and performance were high: he was required to take an oath before the king and later *Parlement* on entering office, and, under Louis' *ordonnances* of 1254 and 1256, another oath to maintain the customs, and to avoid involvement in activities or the acceptance of gifts which might prejudice his objectivity — commitments enforced by severe penalties for dereliction

⁶⁷ They were never ex-officio members, and were indeed in subsequent reigns officially excluded, but Borrelli de Serres seeks a more sophisticated recognition of conflict of interest than existed in Louis' reign (*Recherches*, 1, 213-4 & 217; cf. O. Tixier, *Les Baillis et sénéchaux royaux* [Orléans, 1898], 126; see E. Laurière, ed., *Ordonnances des rois de France, de la 3^e race* [Paris, 1723], 1, 320-art. 16 [1291]). They were at first extensions of the king's entourage on temporary mission (Y. Bongert, *Recherches sur les cours laïques* [Paris, 1949], 154-5), but Borrelli de Serres fails to prove that they were "delegates" specifically of the *curia*. They were directly nominated by the king till 1303, and the cognizance of matters concerning the bailiffs belonged in principle solely to the king, since, according to Pierre de Fontaines, "La mesure de prendre vengeance de ceux qui sont en si grant digneté ne sera fors sanz plus en la volenté du prince" (A. J. Marnier, ed., *Le Conseil de Pierre de Fontaines* [Paris, 1846], 371, ch. XXXII, para. 13). Borrelli de Serres is wrong that the *curia* ceased to function as a central judicial body till the mid-thirteenth century (See List II; even the odd case of 1207 was judged in Paris and does not prove the bailiffs had preempted its role), and "resumed its traditional role" mainly to provide central supervision over the bailiffs. (In some areas, e.g. Vermandois, the decisions were not even rendered by the bailiff; see Waquet, *Vermandois*, 55; cf. below, p. 265.) And he is wrong that the bailiffs never sat in *Parlement* when in office, and that only Geoffroi de la Chapelle and Pierre de Fontaines — even among the former bailiffs — were judicial *conseillers* (*Recherches*, 287, ff.; cf. the sensible criticism of Tixier (*Les Baillis*, 120-4) and p. 261 below. While serving as bailiffs, Julien de Péronne and Renaud de Tricot were regular members of *Parlement* as well as investigators, and involved in cases other than simply those from their own Norman bailiwicks; and Etienne Tatesaveur's long tenure in his bailiwick of Sens bridged all his appearances in *Parlement*).

⁶⁸ *Les Origines du Parlement de Paris*, 116; cf. Tixier, *Les Baillis*, 65.

⁶⁹ Waquet, *Vermandois*, 39.

of duty.⁷⁰ In this regard, the king seemed to recognize the importance of adequate compensation for the bailiffs, and wages were higher in Louis' reign than subsequently.⁷¹ As the famous administrative *enquêtes* of the reign reveal, these precautions did not always succeed; but on the whole, the complaints were often due not to incompetence or dishonesty, but to the overzealousness of the bailiff in protecting the king's interests, as in the case of Pierre d'Ernencourt. Mathieu de Beaune, unable to resist the acceptance of a small gift for his boy, after stoutly refusing others for his wife or himself, was the subject of an *enquête* in 1261, but he emerged unscathed.⁷² We can be sure that the candidates for regular membership in *Parlement* were carefully screened.

The geographical and social pattern of recruitment, together with occupational specialization and the esprit which developed among these career government servants, helped the development of "administrative families," as in the *hôtel* itself. These included the De la Portes and Villers in Normandy, the Hangests in Vermandois, and the De la Chapelles in the Ile de France.⁷³

The former bailiff not only brought his skills and experience with him to *Parlement*; he and his colleagues had themselves in their local courts built up a body of legal principles which were important for the expanding of the jurisdiction and competence of the royal courts, including, through appeals, the *Parlement*. Particularly significant is the notable activity and aggressiveness of the bailiffs of Vermandois, which Waquet has noted. Pierre de Fontaines must have been active in drawing cases into the royal court, since he refers in his *Conseil* to the resistance of the nobles in Vermandois to this constant infringement on their jurisdiction, and in the same work he claims initiative in getting a case appealed to *Parlement* without the judiciary duel.⁷⁴ Royal officers from the time of Louis' chancellor Guérin gained much experience in the Norman exchequer and in the southern courts, but the influence during Louis' reign on the whole came from the *curia* and the courts in the older royal domain, including the Vermandois.⁷⁵

Although we know little of the private careers, or of the individual

⁷⁰ *Ibid.*, 25-27; Strayer, *Normandy*, 97; *Ordonnances*, 1, 68.

⁷¹ Waquet, *Vermandois*, 28-29; Strayer, *Normandy*, 97 & App. III.

⁷² Waquet, *Vermandois*, App., p. 175; *HF*, 24, *320, col. 2; *325, no. 123; *327, no. 223; and *318, no. 152.

⁷³ Cf. Strayer, *Normandy*, 95 & App. I; Waquet, *Vermandois*, 40-43, ref. *Olim*, I, 580, #XIII [1264] & 814, #II [1270].

⁷⁴ *Conseil*, 364; see below, p. 255.

⁷⁵ Strayer, *Normandy*, 92.

roles of these "new men" in *Parlement*, there is no concrete evidence and little likelihood that all were real jurists with formal training — any more than the "country judge" of western America was more than an experienced layman — and still less that they were *légistes*, with the doctrinal implication of that term.⁷⁶ Even among the clerks, there is no indication that more than one, Guy Foulcoy (or Foucaud), had a degree or actual practice in other than the canon law, and he played a minor role in *Parlement*.⁷⁷

This is all the more reason to consider in more detail the careers of two men who not only took leading parts in the debates in *Parlement* and rendered judgments like Geoffroi de la Chapelle, but who also, at least in the case of Pierre de Fontaines, apparently had training in the Roman law, and who played the same roles as did later Renaud Barbou and Jean de Montigny, described as the "ancestors" of the royal *avocats* and *procureurs-généraux*.⁷⁸

These two lawyers — Pierre de Fontaines and Julien de Péronne — can be pictured in action, for, luckily, accounts have come down to us of their activities in the session of *Parlement* of September 1259, in which Archbishop Thomas of Reims was called upon to answer the king's petition that the custody of the convent of St Rémy be turned over to him. The three versions summarized below are that of the minstrel of Reims (referred to here as version A), that of the archbishopric (B), and that in the register of *Parlement*, the *Olim* (C).⁷⁹

The abbot of St Rémy at a previous session of *Parlement* had maintained that the custody of the church was the king's and the king thereupon set a date for a hearing (Version A). Thomas stated that the king's men during the Egyptian crusade had made an *enquête* in Thomas' favor and that the king had acknowledged that the custody should be his (B). The minstrel's version continues: after the archbishop had finally appeared, Master Julien de Péronne rose and asked, "Do you wish to hear the law?" He then reviewed the whole case and said, "By law [*droit*,] and by the judgment of the masters, the king ought to have the custody according to the privilege of his ancestors." Even

⁷⁶ Ducoudray, *Les Origines du Parlement*, 119, lists five of those we have been discussing as *légistes*. Cf. Lot & Fawtier, *Institutions*, 2, 334.

⁷⁷ Guy Foulcoy appears in the *curia* in 1259; he was a lay lawyer from the south before joining the Dominicans. See below, 258, and notes 118 & 123. In a separate article on Louis' clerks I dispute the earlier existence of professional jurists in the king's *curia*, as suggested by Luchaire (*Hist. des inst. mon.*, 1, 324-325 & note 2, ref. HF, 12, 340-D) and Delaborde (List II [1202]).

⁷⁸ Tixier, *Les Baillis*, 128.

⁷⁹ Two versions, that of the minstrel of Reims (ed. de Wailly, 240) and that of the archbishopric (Varin, *Archives admin. de Reims*, I: 2, 897) are reprinted in C.-V. Langlois, *Textes*, 49, #XXXII, & 53, #XXXII-bis. The version from the register is in *Olim*, I, 454, #XVIII.

the letter of the archbishop himself to the queen [Blanche], which Julien thereupon read, acknowledged that custody was to be temporary, i.e. possessory, and returnable at the will of the king. Whereupon the archbishop's face fell.⁸⁰ He consulted his counsel, who advised him to claim the right of trial by his peers. (A)

Julien's second petition, claiming that the grant to the archbishop was possessory and not one of ownership, caused the archbishop sufficient concern to fall back on his alleged rights as a peer. It was a question of a great part of his barony and his dignity of peer [*parria*]. (B) While the official version has the king reply to this demand after taking counsel (C), the minstrel tells us that Pierre de Fontaines now answered the archbishop's appeal: "We will tell you the law and whether the [claim] is valid." The masters took counsel and said that the judgment against the archbishop "was good and reasonable since the quarrel was not concerned with the dignity of peer."

(A) At this point Thomas, on advice of his counsel, did not respond and therefore was considered *in defectu* (B).

Le Nain de Tillemont⁸¹ adds that the archbishop feared the loss from his jurisdiction of all the bourgeois of Reims because they would move to that of St Rémy if it were under the high justice of the king — witness Thomas' fears of losing a "large part of his barony." The lesser-privileged, classes and even the abbot in this case preferred royal justice; these lawyers, in their struggle to protect the king's rights, were indirectly developing the new image of the state with a sense of public responsibility — a key to the monarchy's success. The king was present during the session of 1259 and might have interceded⁸² and conceded to the archbishop immediately, and it was apparently on his urging that the custody was ultimately granted to the archbishop in 1268; but in the present instance he seems to have followed the advice of his legal advisers, letting them handle the argument. It was Pierre de Fontaines who, in rejecting the complaint of the archbishop's spokesman that "this judgment was not made by peers," confirmed the earlier denial in 1224 of special restrictions on the makeup of the court simply because a "peer" was involved.⁸³ The case illustrates too the growth of a body of procedural law in *Parlement*: the archbishop had apparently delayed his appearance as long as possible, and it was on procedural grounds — a judgment by default, resulting from Thomas' failure to answer — that he lost his appeal. And again in 1267 the king's lawyers were able to reject the archbishop's procedural

⁸⁰ *Li chei li neis* — literally, his nose fell.

⁸¹ *Vie*, 4, 195-6.

⁸² As the version in the *Olim* has him do at one point — although it was to deny the archbishop's appeal.

⁸³ Above, p. 240.

complaint that he had been denied his day of counsel and proof (*jour de vue*) on the second petition.⁸⁴

Pierre de Fontaines' origin in the Vermandois is almost certain, not only because we can identify him with acquisitions of land and rents there, but also because he based his legal treatise, the *Conseil*, on the customary law of this region. He was probably from the environs of St Quentin, in view of his involvement with the commune on two occasions in a private or semi-official legal capacity, even though we may discount the various attempts to associate him with one of the seignorial families of the area. This area, the source of the Somme, is dotted with "Fontaines" like several others in France, and the identification of private acts with the king's counselor is extremely difficult. It is unlikely that his family was "among the most noble of the province;"⁸⁵ he was at best the younger son of a *grand seigneur*, for his name is never followed by any other qualification than "knight." The efforts of Michelet and others, on the other hand, to make him a commoner before entering royal service, are unconvincing for the same reason.⁸⁶

Pierre's professional career may date from 1236, when a *Pierre de Fonte* and a Master Gobert are recorded as having settled a dispute between the abbot of St Martin of Laon and one Pierre, priest of Berlise. His royal service may have begun in 1244, when he was present at the king's court at Pontoise. On this occasion Geoffroi de la Chapelle rendered the court's judgment in favor of the *maire* and *jurés* of St Quentin to the effect that once they had sworn to protect the persons and goods of the chapter of St Quentin, they need not renew the oath annually. There is no indication, however, that Pierre was "assessor and counselor of the king" at this time, as suggested by Lemaire, and it is possible that he was representing the commune, since the dean and chapter had their *procureur* on hand. He may have been involved in others of the many disputes between town and chapter, as in 1247, when Saint Louis himself conciliated

⁸⁴ Beugnot (*loc. cit.*) says that the archbishop's position in 1259 was based on a fiction — a court consisting exclusively of ecclesiastical peers and great vassals. For the 1254 enquête, see P. Guilhiermoz, *Enquêtes et procès* (Paris, 1892), App. I, p. 311 ff. & 327-9; and for the later history of this dispute, see *Olim*, I, 677, #VI & 701, #XI; Joinville, Chap. XXXVI, para. 672 ff.; Langlois, *Textes*, 53, #XXXII-bis & n. 1; and *Layettes*, 4, #4743. On the procedural technicalities, see below, p. 255 & 256.

⁸⁵ A. J. Marnier (*Conseil*, Intro., i & n. 2) expresses the most commonly accepted view: that he came from Fontaine-Uterte, 11 km. north, and in the *arrondissement* of St Quentin, c^{on} Bohain. This view is traceable to Hemeraeus (*Augusta Viromanduorum...* [St Quentin], 99, 227 & 260). I plan to publish a more complete study of Pierre's origins and private career, with supporting documents.

⁸⁶ See note 46 above.

after the town's magistrates had been excommunicated. In May of 1257, by which time he was already a regular member of *Parlement*, it was surely on the king's initiative and as "king's knight," not as "counsel" of the commune, that he and "other good men" arranged an accord on jurisdiction of the town's magistrates over the men of the chapter — an accord attested to by the king the following month.⁸⁷ In 1252 he participated in the settlement drawn up before the masters of *Parlement* at Pontoise.⁸⁸

Prior to his appointment as bailiff of Vermandois in 1253, Pierre was certainly in the service of Countess Mahaut of Artois (widow of Louis' brother Robert), for in 1258, in recognition of his good and loyal services (doubtless legal), she and her second husband Gui de Châtillon, Count of St Pol, granted to Pierre's son Jean a *fief-rente* of £ 100 annually, to be assigned ultimately on their lands in the Boulonnais.⁸⁹ No doubt the requirement of homage and the king's prohibitions against the receipt of favors by royal officers prevented Pierre from receiving the reward directly.

These activities of a judicial nature must have brought Pierre rapidly to the attention of the king as a potential legal counselor, and his brief tenure as bailiff in 1253 almost seems to have been intended as a training period. As bailiff he pronounced two arbitral sentences for private parties, the second apparently at the king's request, since it was delivered at the king's house in Senlis.⁹⁰ He left his bailiwick not later than November of 1253, and in 1255 our record of his regular attendance at the *curia* begins. In the latter year he helped draw up regulations for the leprosary at Corbie. In 1258 he served on the exchequer of Normandy, together with Julien de Péronne and such prominent clerical counselors of the king as the archbishop of Rouen, Eudes Rigaud, and the abbot of St Denis, Mathieu de Vendôme.⁹¹ Besides participating in the pleas of the *porte*, he served regularly through 1261 as a judge in *Parlement* and, in addition,

⁸⁷ 1236: Arch. Dépt., Aisne, H872, *Cartul. de l'ab. de St Martin de Laon*, f° 179^{vo}. The abbey and Berlise are both in the department of Aisne, arr. Laon. 1244: see List II; *HF*, 24, *69 & n. 4, where only the members of the court are indicated; see *Archives anciennes de la ville de St Quentin*, ed. E. Lemaire (St Quentin, 1894), I, 42, *charte* no. 41 (from a contemporary copy on parchment) for details. Cf. introduction by Lemaire (*ibid.*, p. cxxx); and on later disputes and Pierre's role, xcvi & ccxvii-ccxviii. 1257: *HF*, 24, *69; *Arch. St Quentin*, I, 507, no. 64^{ter} (*vidimus* by the king), from Bibl. Nat., *Coll. Picardie*, vol. 352.

⁸⁸ See page 241 and note 38 above.

⁸⁹ Arch. Dépt., Pas-de-Calais, A13, *pièce* 15. See also *Chartes de St Bertin*, ed. Haighneré (St Omer, 1886/95), II, 51, #991 (1251).

⁹⁰ Delisle, *HF*, 24, *69 & *preuves* #136 & 147.

⁹¹ *Ibid.*, *69 & *314, #139; Waquet, *Vermandois*, 174. In 1255 he is specifically referred to as a knight.

as the king's prosecutor, as in the case of St Rémy. He was responsible for the rendering of two other decisions favorable to the king: against the abbot of St Benoît in February 1261 and the brothers of Vincennes in April of the same year; the latter were denied a hearing on the evidence of charters giving the king quittance.

Pierre continued to be an active arbitrator in disputes like those at St Quentin. In February of 1256 he was present when Louis IX confirmed a settlement of a dispute between the bishop of Limoges and the men of St Junien, in which Pierre, Gervais d'Escrennes and Pierre d'Ernencourt may have made an investigation. In June 1260 he and Master Jacques d'Arraz conducted an arbitration in Beauvais between the bishop and the town.⁹²

The only account of the counselor's personal relations with the king suggests an uncompromising respect for authority which contrasts with Louis' tact. The bourgeois of Namur had complained to Louis regarding the severity of their new lady, Marie de Brienne, wife of the Latin emperor of Constantinople. Pierre said, "They ought all to go with ropes around their necks and confess their fault to her" — for which the king sharply reprimanded him.⁹³ But the king's high regard for Pierre is evidenced not only in the latter's introduction to his *Conseil*,⁹⁴ but in a grant rewarding him for his services, made during his period of activity in the *curia*. He had become the king's man in 1256 through the purchase for £ 300 (Paris) of a £ 30 annual *rente* on the provostship of Laon from another knight, a *rente* which his son Jean sold in 1277 to the monks of St Denis. In 1259, however, the king awarded his "friend and faithful Pierre," in return for good services, an annual *rente* of £ 50 (Paris), which he and his heirs would hold in fief and liege-homage.⁹⁵

The last session of the court in which the present evidence shows Pierre participated was in 1261, and by this time he could retire on a comfortable income until his death, which certainly occurred prior to 1267.⁹⁶ We can identify Pierre very probably with the purchase in 1262 of 16 *sesterées*

⁹² 1256: *HF*, 24, *69. 1260: *Layettes*, 3, 526, #4610.

⁹³ Le Nain, *Vie*, 4, 103, ref. Manuscript F, now lost.

⁹⁴ It is not necessary, to prove this opinion of Pierre, as Marnier does (*Conseil*, Intro., v, quoting Du Cange), to imagine that he occupied an unusual status at court for one of his rank; if his name headed the list of knights in 1258 and 1261, it followed that of Gervais in 1256 and 1259. The order of names in the acts is a reliable guide only to social position.

⁹⁵ 1256: J. Tardif, *Monuments historiques* (Paris, 1866), 348, no. 825 (Arch. Nat., K 31, no. 61). 1259 (Dec.): *Layettes*, 3, 499, #4568. 1271: Jean sold the latter *rente* (Arch. Nat., JJ 30A, fo 171-171^{vo}, no. 216). 1277 (Nov.): *Mon. hist.*, 353, no. 899 (Arch. Nat., K 34, no. 18).

⁹⁶ Bibl. Nat., *Coll. Picardie*, cote 304, #67.

of land in the territory of Abbécourt, about thirty kilometers south of St Quentin and just west of Chauny; for the land and the rights of seignorial justice thereon, which he bought for £ 120 (Paris) from the abbey of St Eloi-Fontaine, he recognized the obligation of an annual quit-rent of 12 *deniers* (Paris) toward its holder, the abbey of St Médard of Soissons.⁹⁷ On the occasion of his son Jean's marriage to the daughter of the sire de Plessis, Pierre had given Jean £ 200' worth of land (Paris).⁹⁸ Some time between 1256 and Pierre's death, the king confirmed Pierre's purchase from a canon of St Quentin of land near Ham, twenty kilometers southwest of St Quentin; the purchase price was £ 700 (Paris).⁹⁹ Thus some of the counselor's income had been invested in land, but as far as we know it derived originally in its entirety from professional fees and from the rewards for royal service.

Pierre de Fontaines' individual contribution to French legal institutions is best illustrated in the treatise he wrote between 1254 and 1258, soon after leaving his bailiwick: the *Conseil à un ami*. It was written at the king's request for instruction of his heir, Prince Philip, who had been assigned an apanage in the Vermandois.¹⁰⁰ Its purpose was to set forth the customs of the land and the usages of the lay court, since, as he explains, they had become *molt anéanties*, with bailiffs and provosts following their own will rather than customary law, and it was dangerous to follow "neither written law [*loi*, hitherto the Roman] nor a proved custom [*droit*]." ¹⁰¹ His scope, however, was perhaps intended to be broader than the Vermandois, since he counselled Philip to study these usages so that he would know "... *when he inherits*, how to do right by his subjects."¹⁰²

The *Conseil* reflects Pierre's experience with and strong appreciation for the importance of the customary law. It was one of the bases of the king's power, for as suzerain he was protector of the customary.¹⁰³ Yet

⁹⁷ 1262 (Aug.): Arch. Dépt., Aisne, H 477, *Cartul. de St Médard*, f° 107. Abbécourt and the abbey of St Eloi: arr. Laon, c^{on} Chauny.

⁹⁸ Undated: Bibl. Nat., MS lat. 5473, *Cartul. de l'ab. d'Ourscamp*, f° 87^{vo}. Plessis: today one of several Plessis in the department of Oise, arr. Compiègne, near which the daughter's dowerlands were probably located.

⁹⁹ Undated: Arch. Nat., JJ 30A, f° 191, no. CCLXXXIV. Ham: department Somme, arr. Péronne.

¹⁰⁰ In his introduction to the *Conseil* (p. 1-2), Pierre writes: "To undertake what you [the king] have so often asked [of me]..., I have changed the repose of my life at great labor to counsel your son." See, however, P. Petot, "Pierre de Fontaines et le droit romain," *Études d'histoire du droit* (Paris, 1965), 2, 957.

¹⁰¹ *Conseil*, 4 & 5.

¹⁰² *Ibid.*, 3.

¹⁰³ L. Buisson, *König Ludwig IX der Heilige, und das Recht* (Freiburg-im-Brisgau, 1954), 27-28, ref. *Conseil*, 313-315.

it was from this traditional source of rights and procedures, already highly formalized and detailed in its oral form, that Pierre and his colleagues were able to enhance the competence and jurisdiction of the royal court and contribute to jurisprudence. As Cheyette has demonstrated, law was not merely "found" by the medieval courts, but created, especially now that the charge and evidence in the judicial investigations (the *enquêtes*) were reduced to writing, in imitation of church practice.¹⁰⁴ Pierre's interpretation of custom shows both flexibility and conservatism. One must turn to the king, and only to him, if a judgment has been made counter to the customary law, or if the customary law itself has been "damaged by bad judgment." The king is obliged to restore that law and "fill in with penalties what is missing," though he must not involve himself except in such circumstances.¹⁰⁵ This responsibility of the king applies not only to the judgments of the "court of St Quentin which is the king's" (through the agency of his bailiffs) but to the judgments of a seignorial court like that of the count of Ponthieu. If a lord in his court has failed to follow the customary form of procedure, the injured party here too can appeal to his overlord's court and ultimately to the king's court on the grounds of *défaute de droit*.¹⁰⁶ If the appeal is successful, the lord can only obtain a delay (*contremand*) after a specified period, and meanwhile he loses possession of the disputed object or right; this procedure was confirmed by *Parlement* in 1260 and 1263. The lord must then name his *essoines* to avoid condemnation for the *défaute*.¹⁰⁷

Pierre's approach to the question of the judicial duel well illustrates his flexible pragmatism, which was bereft of such ambitious aims as the destruction of feudal practices. "I myself [apparently as bailiff] brought the quarrel before the king... to determine whether judgments could be appealed according to the usage of lay courts without battle." He is referring to the appeal by a woman who had lost a case in the king's court of St Quentin and who adjourned the judges (the "king's men") before *Parlement*. Pierre raised the point that they had made two false judgments against her. The court ruled in her favor and asked the king for a reformed sentence. "... And it was the first case of which I ever heard tell that was appealed in Vermandois without battle." Another

¹⁰⁴ F. Cheyette, "Custom, Case Law and Medieval Constitutionalism: A Reexamination," *Political Science Quarterly*, 78 (1963), 362-390. Cf. Ducoudray, *Les Origines du Parlement*, 412, 414-415.

¹⁰⁵ *Conseil*, 314-315. Cf. Buisson, *König Ludwig*, 27-28.

¹⁰⁶ *Conseil*, 248, XXIII; 249, XXIV; 304, XXIV.

¹⁰⁷ *Ibid.*, 232 ff.; cf. *Parlement's* judgment in 1260: *Olim*, 480, XV, and in 1263: *Olim*, 559, XIX; cf. *Conseil*, 26, XII; 28, XV; 36, XXVIII; 67, II; 273, LIII.

case was the appeal against the judgment of the count of Ponthieu's court.¹⁰⁸ There were no more appeals by battle in the royal courts of the Vermandois during the reign, and Pierre's initiative anticipated Louis' "ordonnance" of 1258. This latter prohibition was, however, ostensibly intended to go beyond the role of the duel in appeals to *Parlement* and to apply to all processes in royal courts — the only example during Louis' reign of an attempt at formal change in judicial procedure itself.¹⁰⁹ Other lawyers, like the author of the *Livre de justice et de plet*, were still hesitant as to when the duel could be disallowed,¹¹⁰ and Pierre himself took the ordinary judicial duel for granted: if the plaintiff insists under oath on his accusation of falsity against the other party, then a duel has to decide the issue of finding the truth in accordance with customary law.¹¹¹ But he points out, with a reference to Roman justice, in which sensible moderation (*amesurement*) must be exercised, that the duel is not at all necessary; "if both parties are so stubborn that they seek no moderation, they can foolishly enter into the peril of battle." It is all the more important therefore that testimony be taken so that the evidence will be "as clear as day."¹¹²

All this without reliance on Roman law. The *Conseil* was practical, and as Buisson points out, "almost confined to procedures of court and evidence." Pierre introduced Roman law largely for practical reasons — sometimes in large chunks to fill the gaps in the customary — especially when the king's officers needed protection, occasionally for the sake of equity, and perhaps, as in the above instance, to display some erudition. The *Conseil* shows how Roman law helped to break a new path in French legal thought, but it was not designed as an intellectual treatise on the relative merits of customary and Roman.¹¹³ The significance of the *Conseil* in its use of Roman law has been misunderstood or distorted by

¹⁰⁸ *Conseil*, 303, XXIII; 304, XXIV.

¹⁰⁹ Waquet, *Vermandois*, 41. See below, p. 266.

¹¹⁰ Cf. Ducoudray's discussion (*Les Origines du Parlement*, 381).

¹¹¹ *Conseil*, 293, XI.

¹¹² *Ibid.*, 127, XXVII & 294, XI. Paul Vinogradoff does not demonstrate the implied influence of Roman law on the *ordonnance*, nor was trial by battle consistently "relegated to the background in royal courts" (*Roman Law in Medieval Europe*, 66-67). The immediate models for the substitution of written evidence were probably the church courts, as in other procedures he cites (pp. 74 & 76).

¹¹³ See Buisson, *König Ludwig*, 24, 56-60; *Conseil*, 5, 103, 130, 264-5, 276, 378 & 430. On the application of the Code to injuries to bailiffs, see *Conseil*, 371, XIV; and to witnesses going to the king's court: 276, LVII — both *cas royaux*. Buisson overlooks E. M. Meijers' research on the school of Orléans ("L'Université d'Orléans," in *Études d'histoire du droit*, ed. in French translation by R. Feenstra & H. F. W. D. Fischer, 3 [Leiden, 1959], 8, 21, 34, 43 & 63).

those¹¹⁴ who have been justifiably concerned with correcting the earlier idealization of Pierre and his *Conseil* as heralds of the benefits to be conferred on society by lawyers and their works.¹¹⁵ These critics have tended to evaluate the *Conseil* solely as a work of imaginative jurisprudence — one whose major purpose was to reconcile customary and Roman law.

If the *Conseil* was a crude integration of the two systems, Pierre was nonetheless the first layman in France to have attempted to apply Roman to customary, and indeed the first to have composed a treatise in French on the customary.¹¹⁶ Its contribution to later, more sophisticated "customaries" is acknowledged. The *Livre de jostice et de plet* dates from about 1260, and comes, like the *Etablissement*, from the school of Orléans. The latter and Beaumanoir's *Coutume de Beauvaisis* appeared shortly after Louis' death; the *Usages de Champagne* around 1290; and the *Anciens usages d'Artois* around 1300.¹¹⁷

Yet Pierre was no doctrinaire like the authors of the academic treatises, such as Révigny, or the *légistes*, who wished to place the king of France in the role of the Roman emperor. It is notable that only by the reign of Philip the Fair do lawyers appear in the royal entourage from the "countries of law and chicanery" (the territories south of the Loire depending on Roman law) and that "doctors of law" (civil and/or canon) were absent from Louis' *Parlement* — an absence not explainable by the papal bull of 1219.¹¹⁸ Pierre's *Conseil* and his activities as bailiff and

¹¹⁴ For example, E. Laboulaye calls it a "fragment of a French *summa*" into which have been sewn some "scraps of customary law" (*Hist. litt.*, 21 [1847], 846); and P. Viollet agrees, suggesting as evidence the illogical end of the manuscript (Intro. to *Etablissements de St Louis* [Paris, 1881-86], 1, 83, n. 2, & 422).

¹¹⁵ E.g., H. Hardouin, *Notice sur Pierre de Fontaines* (Amiens, 1841), 8, 14 & 16, and earlier notices in the *Hist. litt.*, 19, 131-8 & 21, 544 ff., to the latter of which Laboulaye addresses his comments above.

¹¹⁶ The Norman customary, originally in Latin, was translated into the vernacular some time during the thirteenth century. There is a reference in 1268 at St Quentin to a book in Latin on the usages of Vermandois, the loan of which became itself a cause of litigation (*Arch. Anc. de St Quentin*, 87, #89).

¹¹⁷ Viollet, *Etablissements de St Louis*, 1, Intro., especially 81-83 & 342-3; L. Chénon, *Nouvelle revue historique de droit...*, 31 (1907), 305 & 315; *Hist. litt.*, 19, 136, for assessments by La Thaumassière and Montesquieu. My comments were written before seeing Petot's evaluation, which confirms the more sympathetic view (*op. cit.*, 957-963).

¹¹⁸ Langlois' remark on the *romanistes* (*Philippe III*, 46 & 320) is disputed by Meijers by cataloguing some of the outstanding clerks from Orléans who were Pierre's colleagues (*op. cit.* 8 & ff., 18, 21). But were these clerks not wanted in *Parlement* for their familiarity with canon more than civil law? (Cf. *ibid.* 25, 28, 29, 36). Only one doctor of civil law, Simon de Paris, appears in Saint Louis' *curia*, and not till 1268, after Pierre's death (*Layettes*, IV, 254, #5355). Cf. F. C. Pegues, *The Lawyers of the Last Capetians* (Princeton, 1962), 11, on the abuses of the term *légiste*;

as counselor in *Parlement* were the work of a practical magistrate; they do not demonstrate that he, any more than his colleagues, was an agent of the emancipation of the king and the people, an alliance of royal and middle class interests against feudalism.¹¹⁹ But although his aims were more modest, the accomplishments were perhaps more influential. It was not only his writings but their application in the everyday working of the royal courts which prepared the ground for the acceptance of the doctrine of the author of the *Livre de justice*: regardless of intermediate loyalties, "*chastelain, vavasor, citaen, vilain...* all are under the hand of the king." Only in the following century did an actual royal officer, Jean Boutiller, belatedly pick up the phrase: "The king of France is emperor in his own kingdom."¹²⁰ Meanwhile, the activities of Pierre and his colleagues were beginning to realize these ideas in fact.

The *Conseil* is significant also as an indication that instruction in the Roman law was available to laymen in northern France and no longer feared by the king as an entering wedge for German imperial claims. Most of the king's officers probably got their legal training by experience and their "titles" by reputation.¹²¹ Although there is no evidence of royal initiative, at least Pierre, and perhaps Geoffroi de la Chapelle and Julien de Péronne, had studied Roman law — however imperfect his understanding of it — and Pierre does not hide the fact. Despite Honorius III's bull of 1219 prohibiting studies of civil law in Paris and its environs,¹²²

Meijers on Révigny (*op. cit.*, 9, n. 13); M. Boulet-Sautel, "Le concept du souveraineté chez Jacques de Révigny," *Actes du Congrès sur l'ancienne université d'Orléans*, (Orléans, 1962) and her "Le *Princeps* de Guillaume Durand," in *Études d'histoire du droit*, 2 (Paris, 1965), 803-813.

¹¹⁹ Hardouin, *op. cit.*, 5 & 7; cf. reference to Michelet above (note 46).

¹²⁰ Cf. J.-F. Lemarignier, "La royauté française du ix^e au xiii^e siècle," *BEC*, 113 (1955), 23-24, ref. *Le livre de justice*, 1st. ed. of Rapetti, I: 16, 67; Jean Boutiller, author of *La Somme rurale*, was bailiff of Vermandois in the fourteenth century. Even while Vinogradoff is stressing the influence of Roman law through the work of Beaumanoir, bailiff of Vermandois just after Louis' death — his only illustration of actual legal usage of Roman law in northern France — he points out that Beaumanoir, like Pierre, resorted to it only in case of doubt as to the customary rule, and even then "received" the Roman rules, not on their authority, but only when they had been accepted in neighboring territories or in the law (*droit*) common to all the kingdom (*Roman Law*, 69-71). The borrowings which Vinogradoff mentions are all in the fields of private law and legal procedure, except for the doctrine "*Quod principi placuit legis habet vigorem*"; and Vinogradoff denies any intention of Beaumanoir to "acclimatize in France... [its] general constitutional import" (*Roman Law*, 81-82). The doctrine that the king was emperor in his own kingdom (except for the substitution of "emperor" for *princeps*) is probably traceable to Guillaume Durand, a realistic canonist of Philip IV's time (M. Boulet-Sautel, *op. cit.*, 803-813).

¹²¹ On "titles", see below, p. 261, and the vague discussion in Ducoudray (*Les Origines du Parlement*), 115 & n. 2.

¹²² Saint Louis at least was not apparently afraid of the influence of Roman law. See. E.

in 1251 students were reading the "laws" as well as the "decretals," and their masters were present at the oath-taking to Blanche, though inactive in the *curia*. Civil law was available to clerks at Sens.¹²³ Pierre and some of his colleagues could have studied there or at Orléans, or at one of the "private schools" at Angers, Rouen, or Paris itself, to mention only those more conveniently located in the north.¹²⁴

While it is interesting to speculate as to just where they might have been trained in Roman law, it is perhaps more important to speculate as to why men from the northeastern domain and the Ile de France happened to be so readily available with professional experience in the customary law. It would further help to explain Louis' choice of the bulk of his administrators, especially the legal experts, from these regions. If Lemaire cannot prove that Pierre was counsel for the commune of St Quentin, he cites later incidents in which the town did have counsel on hand,¹²⁵ and we have seen how many arbitrations involving a commune were handled by Pierre and the other counselors. Were not lawyers now in great demand to satisfy the habitual contentiousness of the bourgeois and perhaps equally that of their principal foes, the bishops and chapters? The former were now effectively required by the king, if not also more inclined, to substitute written evidence and orderly procedures for the burning of a cathedral. The latter were now increasingly accepting the intervention of the king through arbitration or the royal courts. Except for the south, urbanization was most developed in the northeast and the Ile de France, and it was at Laon, St Quentin, Arras, Amiens, Beauvais and the other great towns of the Nord where the quarrels between town magistrates and clergy were incessant. There also, of course, as elsewhere, the abbots and lay lords were involved in litigation with one another as well as with the communes.

The other legal expert in Louis' entourage whose career deserves to be reviewed is Julien de Péronne. He was from a town in Vermandois of

Caillemer, *Le Pape Honorius III et le droit civil* (Lyon, 1881), 18-19, 22-26 & 28. Cf. E. Chénon, "Droit romain à la curia regis de Philippe-Auguste à Philippe le Bel" in *Mélanges Fitting* (Montpellier, 1907/8), I, 199-202. These tend to refute Marc Bloch's argument that the king's counselors "from Philip Augustus on" were afraid of Roman law (*Feudal Society* [Chicago, 1964], I, 117). The bull was renewed by Innocent IV in 1254 with no more effect.

¹²³ 1251: see ref. in List I; there is no indication of "masters of both laws." Sens, ca. 1270: *Cartul. générale de l'Yonne* (Auxerre, 1854/60), 2, 211, no. CXCIV.

¹²⁴ Caillemer, *Le Pape Honorius III*, 20 (n. 2); cf. Ducoudray, *Les Origines du Parlement*, 114, whose list is not, however, identical. On Orléans especially, see G. Testaud, "Recherches sur l'école de droit d'Orléans" in *Mélanges Fitting*, 205-6, 208.

¹²⁵ Above, p. 125.

this name,¹²⁶ only about 28 km. northwest of St Quentin; but almost the only surviving traces of his private life seem to be in Normandy, where he was bailiff of Verneuil from 1256 to 1258 and of Rouen from 1261 to 1272.¹²⁷ There is no evidence that Julien was not born a member of the nobility; though he first appears as "master" (of the court or of law?) in the financial accounts of 1256, thereafter he always has the qualification of "knight."¹²⁸

Both in *Parlement* and at about the same time on the Norman exchequer, Julien participated in many sessions, and, like Pierre de Fontaines, he was a king's prosecutor and spokesman of the court.¹²⁹ In 1260 he and the clerk Jean d'Ully argued against the renewed claim of Jean de Valéry on a castle at Monrégale, on the ground that a previous petition had been heard and turned down under another manner of pleading, and it was agreed by the counselors that the "custom of France" prevented a second pleading.¹³⁰ In 1261 he pronounced the court's denial of three castles to the bishop of Mende, who sought them from the king, and rested his argument this time on the "uses and customs of this court." He was involved in investigations for *Parlement* more frequently than Pierre and was continuously engaged in such investigations during his second tenure as bailiff after 1260. In 1268 he received a special order from the king to look into the customs governing the Norman towns.¹³¹ In 1269 he was commissioned to have a restitution made on behalf of the court to a certain Robert, whose manor had suffered while in royal custody.¹³²

Like Pierre, Julien appears to have benefited financially from his esteemed legal services. In 1258 he was rewarded by the king with a £ 40 *fief-rente* receivable on the king's tolls at Péronne, for which he was to do liege-homage; and again with a £ 40 *rente* in 1259, to be consolidated with the earlier one.¹³³ The most significant tribute to his qualities — even beyond his legal expertise — was his inclusion among the counselors designated by the new king Philip III to advise his younger brother in

¹²⁶ Department Somme, seat of arr. (the more likely because of assignment of his *rente* on the *péage* of Péronne; note 133 below).

¹²⁷ Strayer, *Normandy*, 93, 96.

¹²⁸ 1256: *HF*, 21, 325, para. 54-E & 349, para. 193-D. 1258: *Layettes*, 3, 420, #4429; *Olim*, I, 100, #II & *pass.* I do not find *magister* as incompatible with the later *dominus* or *miles*, as does Delisle, in view of his evident training (*HF*, 24, *103).

¹²⁹ For example in 1268 (*Olim*, I, 728, #VII).

¹³⁰ 1260: Langlois, *Textes*, 58, #XXXV; *Olim*, I, 469, #VI. Cf. the *enquête* reported to *Parlement* by Simon de Clermont in 1259 (p. 242 and note 40 above). 1261: *Textes*, 64, XLI.

¹³¹ *Olim*, I, 731, #XVI.

¹³² Langlois, "Nouveaux fragments...", *BEC*, 46 (1885), 443-4; cf. Beugnot, *Olim*, 301, #XI.

¹³³ *Layettes*, 3, 420, #4429 & V, 234, #694; *HF*, 24, *104. See note 136 below.

the event of Philip's death; the list, drawn up in 1270 while the army was still before Carthage, included only one other ordinary knight.¹³⁴ It was doubtless from his professional income that he acquired the house in Paris which he sold in 1269 for £ 200 (Paris).¹³⁵ After his long service in Normandy, Julien became identified with that province; he made a gift to La Madeleine of Rouen, and his wife bought land at Bonport in 1276, on which to build a chapel in his memory.¹³⁶

It was stated at the outset of this paper that it was the very appearance of such new men which so changed the monarchy. Let us note the dramatic change in the makeup of the *curia* which took place between the time of Philip Augustus and Louis' crusade in Egypt and then evaluate, more adequately than we could the individual roles, the collective contributions of these men.

The early Capetians relied heavily on the small *seigneurs* of the Ile de France, and especially on the higher clergy, for their counsel in the *curia*. Philip Augustus for the first time could summon the great barons at will. The composition of his *curia* varied considerably, according to the matter at hand, but a glance at its makeup, even in the judicial sessions from 1202 to 1223, as shown in List II, will show that it still contained on most occasions several great barons and *petits seigneurs*, and few ordinary knights and clerks.¹³⁷ The great barons, who perhaps began in Philip Augustus' reign to expect the right to sit in judgment on their "peers," continued to appear when the court's business affected them;¹³⁸ but they had lost by 1224 the exclusive right to judge their peers. The specialized qualifications of the ordinary knights who, by the time of Louis' return from the Holy Land in 1252, constituted the permanent core, along with their fellow specialists among the clergy, are reflected in 1252 and 1255 in the term "master," while their general role had been even earlier recognized by the terms "judge" and "counselor."¹³⁹

¹³⁴ See List I. Jean Sarrazin, the third layman of minor birth, was only a commoner, though a minor *chambellan*.

¹³⁵ *HF*, 24, *104, ref. Arch. Nat., S-6219, no. 7.

¹³⁶ Strayer, *Normandy*, 97 & n. 5, ref. *HF*, 23, 415. However, in 1271 Julien was contesting with the dean and chapter of Noyon rights of justice over the public roads alongside his houses and lands which he held of the king in "Montaucourt" (*Olim*, I, 378, VII); is this Mondescourt, (Oise, arr. Compiègne, c^{on} Noyon) ?

¹³⁷ For the case of 1207, see above, note 67 & List II.

¹³⁸ C.-V. Langlois, "Les Origines du Parlement de Paris," *Revue Historique*, 42 (1890), 84-85. Examples: 1230, 1237/39 and 1258.

¹³⁹ See above, p. 242 and List II. In 1255 "all these [who pronounced judgment] were masters of the king's *curia*." The earlier terms "judge" and "counselor" were not used consistently, but they were always restricted to royal officers.

There was a relationship between the changing nature of *Parlement's* business and the increasing preponderance on the *curia* of these "new men." It was this relationship that was so important — more so than the carrying out of any radical new royal policies. We shall restrict consideration to those cases where the names of the members of the court are provided in the available sources or where reference is made to their roles, and not attempt to duplicate studies of the developing institutional role of *Parlement*. Though these cases represent an incomplete picture of *Parlement's* activity, the increasingly regular presence of this core of specialists suggests that we have in List II a fair representation of the body responsible for institutional changes.

The *curia's* original jurisdiction, as a result of the expansion of the domain, necessarily comprehended a larger number of disputes between the king and the churches or abbeys over which he claimed rights of patronage. But its effective jurisdiction was undoubtedly enhanced as a result not only of the aggressiveness of royal officers but of the reputation for unbiased professional judgments rendered by both its lay and clerical members. It was a predominantly clerical court which rendered the decision against the bishop of Soissons in 1252 on the issue of the collation of prebends, against the archbishop of Sens in 1254 on the right to retain the regalia, and against the bishop of Paris in 1264 on rights of justice on the Seine; the makeup was probably similar the following year, when the issue was the rights of justice over the bishop's bourgeois, who had failed to observe royal regulations on the circulation of certain coinages.¹⁴⁰ On a question of custody in 1269, we find a preponderantly clerical court awarding the abbey of Beaupré to the king.¹⁴¹ On the other hand, it was a preponderantly lay or evenly-balanced court which in 1256 confirmed to Eudes Rigaud, archbishop of Rouen, his right of patronage over the church of Gueneville, and in 1253 and 1255 rendered decisions against the king in favor of his abbeys. In only one decision against the king, that in 1257 involving the abbot of St Germain-des-Prés, was there an overwhelming preponderance of clerks over laymen (here represented only by Simon de Clermont); and the decision supported the investigation made for the court by a king's clerk and a knight called Jean, very likely Jean de Nesle. We have only two decisions by a preponderantly lay court favoring royal jurisdiction: those of February and April, 1261, against the abbot of St Benoît and the Brothers of Vincennes. Royal rights in matters ecclesiastical were,

¹⁴⁰ In 1265 the decision was made "through the counsel of several prelates and other good men" (Langlois, *Textes*, 71, #XLIV; *Olim*, I, 608, #XVII).

¹⁴¹ The opposing party, to be sure, is not specified.

on the whole, advanced, despite the increasingly clerical composition of the court.¹⁴²

The *curia* had always been in theory the court of first instance where there was no other direct judge of the parties. What is striking is to see disputes involving even the great barons regularly being adjudicated in the king's *curia* rather than by war. The *curia* now effectively could supervise undertakings between the king and his barons, as in 1231 with the count of Ponthieu.¹⁴³ The judgment of December 1237 regarding the form of homage to be given to the king by the countess Jeanne of Flanders and her new husband Thomas of Savoy is the only one the writer has encountered which was rendered exclusively by "peers of France." Even so, they were ecclesiastical peers — the bishops of Laon, Langres, and Noyon — and were designated by the king.¹⁴⁴ The judgment of forfeiture rendered in 1230 in the royal camp before Ancenis against Pierre Mauclerc, count of Brittany, was sealed by the Great Officers, as well as by the greater barons and three of the small *seigneurs* who had remained loyal to the crown. In that of 1259 against Guillaume d'Anduse, the court consisted of only one *grand seigneur*, Simon de Clermont. Besides enforcing this feudal incident, the *curia* supported the unique position of the king as overlord of the kingdom: it was probably the professional jurists who constituted the "several of the council" in 1264 who advised the king that he could demand the lordship over any allodial territory being sold.¹⁴⁵ Whereas this case concerned a small baron, the *Parlement* of September 1258 had awarded to the king against his brothers, the counts of Poitiers and Anjou, the two parts of the county of Clermont claimed by them by "title of escheat."¹⁴⁶ The great barons on the court, though present in considerable number, shared the judging not only with the two *seigneurs* (Jean and Simon) and the prelates, but also with the minor clerical jurists and probably the ordinary knight-magistrates (among the "several other clerks and laymen" present).

The same tendencies are evident in cases involving not the king but his great vassals. As early as 1237/39, in the case(s) between the count

¹⁴² Cf. F. Cheyette, "La Justice et le pouvoir royal à la fin du moyen âge français," *Revue historique de droit*, 40th year, no. 3 (1962), 376.

¹⁴³ Violations alleged by the king would, if not corrected, be adjudicated in the king's court (*Layettes*, 2, 200, #2121).

¹⁴⁴ *Layettes*, II, 356, #2584.

¹⁴⁵ Mathieu of Beau[re]voir was obliged to transfer his homage from the bishop of Noyon to the king (*Layettes*, 5, 255, #756 & *Olim*, I, 572, #XVI).

¹⁴⁶ Boutaric (*Actes du Parlement*, 23, #285A) does not include the names of the court, for which see Bibl. Nat., MS lat. 9778, JJ XXVII, f° 275.

of Artois (the king's brother) and the count of Ponthieu, the great barons were joined by three household officers of the king and at least five of the king's regular legal counselors of minor birth, as well as by his ecclesiastical judges.¹⁴⁷ Even where there was a more immediate superior jurisdiction than the king's, *Parlement* extended its competence in the same ways as did the bailiffs in their courts.¹⁴⁸ In November of 1266 it pronounced unanimously that its competence extended to cases where the defendant held his chief barony of the crown and had his principal residence "under the king," even though the particular issue involved a fief other than that held of the king.¹⁴⁹ And *Parlement* retained jurisdiction over direct fiefs of the crown even when their tenants held their major fiefs of a great baron.¹⁵⁰ Yet *Parlement* was not doctrinaire in usurping jurisdiction or in favoring the king and his family.¹⁵¹

Parlement intervened whenever there was a conflict of jurisdiction between inferior courts. It might be between a lay lord and a commune, as in 1251 in a dispute between the lord of Poix and the town; or between the church and the bourgeoisie, as in 1244 or 1250. *Parlement* was of course the court where conflicts between the towns and royal authority were ultimately resolved. Yet, while gradually asserting its potential competence in any temporal matter, it demonstrated here again restraint toward the usurping of local jurisdiction, as in 1266 when the court allowed the commune of St Quentin jurisdiction over the bourgeois who had struck a knight accompanying a lord to an assize.¹⁵²

The makeup of *Parlement*, especially after 1236, varied little according to the litigants, whether great barons, small *seigneurs*, communes, or clergy; and their status had little effect on the outcome.¹⁵³ This impartiality and

¹⁴⁷ The "version" dated on the Wednesday after Pentecost (10 June) of 1237 is a thirteenth century copy included with a letter of confirmation by the king to his brother. If one includes among the judges those making the investigation, this version, whose date may represent the year of the initial investigation, duplicates that dated 1239 (*HF*, XXIV, *119, n. 21, from the *Cartul. de l'abbaye d'Auchy*, p. 155), except that the earlier list includes the archbishop of Reims. See List II.

¹⁴⁸ Cf. Buisson, *König Ludwig*, 90-91.

¹⁴⁹ Langlois, *Textes*, 71, #XLV; *Olim*, I, 651, #VI.

¹⁵⁰ Boutaric, *Actes*, 1, #7 (1255).

¹⁵¹ It refused it in 1265 in favor of the court of Artois (Arch. Dépt., Nord, B-1593, *Premier Cartul. d'Artois*, pièce 7 [Analyse #1413]). Cf. Arch. Dépt., Nord, B-946 & B-1593, *Premier Cartul. d'Artois*, pièce 3 (1269 — Analyse #1602 and #1540, respectively); neither is in Boutaric's *Actes*; but see *Actes*, 128, #1438.

¹⁵² *Olim*, I, 644, #IV; cf. A. Giry, "Étude" in *Archives Anciennes de St Quentin*, xciii. This could have been a *cas royal*, and the records specify that *Parlement* retained technical jurisdiction over the matter. Cf. Buisson, *König Ludwig*, 115.

¹⁵³ The same conclusion has recently been arrived at regarding disputes between the king

professional competence, once enjoyed exclusively by church courts, help to explain why all persons of greater or lesser status, clerical or lay, solicited the privilege of pleading or defending in the royal court, even if their rank in the feudal hierarchy did not give them immediate access.¹⁵⁴ The members of *Parlement* were called upon in disputes within a family, as in the question of the succession to Meulan in 1252;¹⁵⁵ and its activities did not stop at cases formally reaching the court, but were carried on through formal or informal arbitrations requested by the parties concerned or initiated by the king, as we have seen earlier from the activities of Pierre de Villebéon, Renaud de Tricot, and the more professionally trained members of the court.

Parlement's reputation explains also why such persons submitted voluntarily requests for interpretation of local customs, like the request of the countess of Boulogne in 1236, and indeed, *Parlement* became more interested in reviewing cases than in evoking them. It became the effective court of appeal from the courts of the bailiffs, and it did not have to look for business from this source; it benefited thus indirectly from the extensions of jurisdiction and the jurisprudence developed at that level. As early as 1230 the bailiff who had heard the dispute between the abbey of St Germain and the tenants of Samoreau wanted the "full counsel" of the royal *curia*, and the decision was made in favor of the abbey by an entirely lay court, all officers of the king. Appeals were often initiated by the bailiff, as in Vermandois where he merely presided over a court whose decisions were made by local "king's men." We have previously noted the initiative of Pierre de Fontaines in appealing a decision of the king's court at St Quentin.¹⁵⁶

More important, however, for the transformation of the feudal monarchy than the hearing of appeals from the bailiwicks, was the role of the *Parlement* as the "point of attachment" by which the king was subordinating feudal and ecclesiastical jurisdiction to the crown.¹⁵⁷ Like Jean de Nesle in his appeal in 1224 against the countess of Flanders, Renaud des Ponts and his wife were able in 1261 to have their case heard in *Parlement* because they had suffered *défaute de droit* in Bordeaux in the king of England's court.¹⁵⁸ Formal reviews of decisions of church courts or summary judg-

and the clergy over regalian rights in the reign of Philip the Bold (G. J. Campbell, "Clerical Immunities in France...", *Speculum*, 39, no. 3 [July, 1964], 407 & 423).

¹⁵⁴ Ducoudray, *Les Origines du Parlement*, 312-13.

¹⁵⁵ See List I.

¹⁵⁶ See above, p. 247 and note 67, and p. 255.

¹⁵⁷ Ducoudray, *Les Origines du Parlement*, 314.

¹⁵⁸ 1224: see above, p. 239 and note 28. 1261: Langlois, *Textes*, 65, #XLII-1; *Olim*, I, 499, XXII.

ments often resulted from voluntary submissions to *Parlement*.¹⁵⁹ Louis in effect insisted on *Parlement*'s right to review convictions before invoking civil constraint of ecclesiastical censures like excommunication, except in strictly spiritual cases such as heresy.¹⁶⁰ The doctrine was clearly enunciated in the *Parlement* of All Saints 1268: "When anyone is denied the opportunity to respond in this court... on the grounds he has been excommunicated, ... the one imposing the excommunication shall not be heard unless he [justifies the excommunication] immediately as it ought to be, because thus wills the king."¹⁶¹ Although the names of the counselors are usually absent, such cases show the hand of the professional magistrate. The very fact that *Parlement* returned a number of cases appealed spontaneously to it proves the increasing authority and stature it enjoyed.

Whether a case was won or lost by the king, or whether or not he was even a party to it, his *Parlement* had become the public authority which elaborated the law and was the supreme interpreter of it. The jurisprudence created by the court was the important by-product of its increasing original jurisdiction and of its right to review the decisions of lower courts; and, in turn, this jurisprudence widened its competence. *Parlement* established its own procedures when it ruled on *contremands*, *défauts*, and other procedural matters.¹⁶² In 1268 it modified a "custom of this court" regarding representation of parties by attorneys,¹⁶³ and later that year pronounced, without even referring to a previous custom, a rule regarding submission of additional testimony even after a case had been taken under advisement.¹⁶⁴

A major advance in procedure, however, was the substitution of "proofs of witnesses and of charters" for the judicial duel, perhaps the major objective of the so-called "*ordonnance*" very likely promulgated on the occasion of the *Parlement* of the Nativity in 1258. Louis may well have asked the advice of his judicial counselors — the "wisest in the kingdom" — as the confessor of Queen Marguerite tells us. The "*ordonnance*" was apparently no more than a *mandement* to the officers in the royal domain, and if its main purposes were indeed a sophistication of the procedure for investigating a case and more recourse to appeals to the royal courts, these may explain in part its inconsistent application both in Louis' reign and

¹⁵⁹ Cf. J. Gaudemet in *Histoire des inst. françaises au moyen âge*, 3: *Inst. ecclésiastiques* (Paris, 1962), 273, and F. Cheyette, "La Justice et le pouvoir royal..." 384-5.

¹⁶⁰ G. J. Campbell, "The Attitude of the Monarchy..." *Speculum*, 35, no. 4 (Oct., 1960), 541, 543 & 548-9.

¹⁶¹ Langlois, *Textes*, 74, XLIX; *Olim*, I, 738, #XXXII.

¹⁶² Cf. above, p. 249 & 260; and see Langlois, *Textes*, 57 & *passim*.

¹⁶³ Langlois, *Textes*, 72, XLVI; *Olim*, I, 694, #I.

¹⁶⁴ Boutaric, *Actes*. 110, #1218.

subsequently.¹⁶⁵ But it strengthened the hand of *Parlement* and doubtless that of the king when, for example, he rejected the demand of Enguerrand de Coucy to defend himself in judicial combat, even though the "*ordonnance*" did not apply in feudal law outside the royal domain and the king's rejection may have been legally based solely on equity.¹⁶⁶ This rationalized administration of proofs was employed at the same *Parlement* of 1258 in the case against the counts of Poitiers and Anjou, and in the following year against Guillaume d'Anduse. It was essential to affirming facts, rather than simply rights, and, by displacing the previous practice of leaving God to decide such facts, it allowed the judges, as Pierre de Fontaines reminds us, to arrive at a clear judgment.¹⁶⁷

But *Parlement* was now going beyond simply prescribing procedures and "finding custom." The court was defining custom; it was creating substantive law and creating it for an increasingly broad area of the kingdom.¹⁶⁸ In 1236 the court had defined regional custom for the countess of Boulogne, but in 1260 in the case of the king against Jean de Valery, it applied what was described as a "custom of France," invoked here outside the Ile de France.¹⁶⁹ In 1264 it was "according to the custom of the kingdom" that the sire de Beauvoir was obliged to do homage to no one but the king.¹⁷⁰ If we lack "signed opinions" for most of these cases, the responsibility of the king's professional counselors cannot be doubted if we turn again to the case against the archbishop of Reims in which Julien de Péronne, having produced the facts, asked the archbishop, "Do you wish to hear the law?" and in which Pierre de Fontaines later stated, "We will declare you the law..." and concluded that the archbishop's dignity as a peer was not at issue. These counselors applied the "legal construction to the facts." Increasingly, they "monopolized the rule-making."¹⁷¹ This creativity was a response to the "new" nature of *Parlement's* business, to

¹⁶⁵ P. Viollet, *Etablissements de St Louis*, I 487 and II 8. See the case in this *Parlement* in list II. J. Tardif corrects the date of the *ordonnance* from 1260 to 1258: "La date et le caractère de l'ordonnance de S. Louis sur le duel judiciaire," *Rev. hist de droit* (1887) 163-174.

¹⁶⁶ In the absence of formal authorization by all the barons, as argued by Tardif (*op. cit.*, 6, ref. Le Nain, *Vie*, 4, 186).

¹⁶⁷ See Cheyette, "Custom, Case Law and Medieval Constitutionalism: A Reexamination," *Political Science Quarterly*, 78 (1963), 371; Buisson, König Ludwig, 29, and Pierre de Fontaines' *Conseil*, above, p. 256 & n. 112.

¹⁶⁸ Cheyette, "Custom, Case Law...", 365 & 368-9.

¹⁶⁹ See above, p. 260. Compare the other denial of succession vs. Jean in 1259, p. 242 above, and the invoking of the "uses of this court" against the bishop of Mende in 1261 (above, p. 260).

¹⁷⁰ *Olim*, I, 572, #XVI.

¹⁷¹ Cf. Cheyette, "Custom, Case Law...", 390, 374; for the specialization of the masters in *Parlement* after 1270, cf. Langlois, "Les Origines du Parlement...", 96.

the king's determination and ability to substitute orderly procedure for violence, and to the desire of the litigants to obtain prompt and efficient justice. The legal expertise of the counselors interacted with the creation of principles and *Parlement's* broadened jurisdiction to bring the entire kingdom closer together.

If we grant the influence exerted by the counselors in the interpretation of law, there remains the question of their influence vis-à-vis that of the king in individual judgments. They must have felt free to express their views, for their judgments were not always unanimous: in 1264 the decision was based on that of "several of the council."¹⁷² When the judgment was unanimous as in 1266, it was apparently worthy of note;¹⁷³ the very specifying of "unanimous consent" suggests that the counselors had the opportunity to disagree and express their opinions. Persons outside the court also recognized the influence of the counselors; on 9 February 1261, in a dispute regarding the *chambellage*, it was decided that the matter should be "discussed with the council and not with the king."¹⁷⁴ In 1268 Clement IV (Guy Foulcoy, who knew well the influence of the counselors, having been one himself) urged Louis to consult his barons with a view to modifying the penalties enacted against blasphemers.¹⁷⁵ No doubt the *curia* took a more prominent role when the king was absent or incapacitated, as in 1245, when the council conceded to Margaret of Flanders that she might receive the homage of her vassals before she did homage to the king.¹⁷⁶ Innocent IV addressed an urgent plea in September 1253 to the "council of the king of France," urging its members to have Prince Louis assign the regalia to the new bishop of Avranches without delay or difficulty.¹⁷⁷ Likewise, in June of 1254, when the king was en route from the Holy Land, the newly elected bishop of Puy, Bernard de Ventadour, asked the "counselors of the king" to receive his oath of fealty in behalf of the king, so that he might secure temporary possession of the goods pertaining to the bishopric until the regalia themselves had been restored.¹⁷⁸

Responsible as was the role of his counselors in protecting royal interests and interpreting the law, still it was the traditional duty of the king to render justice, and Louis occasionally intervened in the interests of the crown or those of equity. The dates of the sessions of *Parlement* which

¹⁷² *Olim*, I, 572, #XVI, note 145 above.

¹⁷³ *Olim*, I, 651, #VI.

¹⁷⁴ *Olim*, I, 130, #X.

¹⁷⁵ H. Wallon, *Saint Louis et son temps* (Paris, 1876), 2, 166.

¹⁷⁶ *Layettes*, 2, 548, #3233.

¹⁷⁷ *Layettes*, 3, 195, #4077.

¹⁷⁸ *Layettes*, 3, 211, #4102.

LIST I — GENERAL COUNSELORS OF THE CURIA

NAME	ROYAL OFFICE, RANK, OR TITLE	1226 (Nov. 3)	1230 (Dec.)	1251	1252 (Feb.)	1252 (Apr.)	1253	1258 (Feb. 25)	1268 (June 7)	1270 (Oct. 2)
		Counselors of Louis VIII pledged to crown Louis IX	<i>Ordinance</i> vs. Jews	Oath-taking of university and bourgeois of Paris	Provision for rights of Blanche's sons in inheritance of Boulogne	Agreement on rights of inheritance from Amaury de Meulan	Leading Counselors (from a financial account)	The Small <i>Curia</i> (Purpose unknown)	Chapter of Paris requests permission to elect a new bishop	Counselors at accession of Philip III (a)
		<i>Layettes</i> , II 96, # 1811	<i>Layettes</i> , II, 192, # 2083	<i>DHI</i> , II, 68	<i>Layettes</i> , III, 150, # 3978	A. N. JJ 26, f° 323 v° col. 2 # XLIII	LeNain, <i>Vie</i> , III, 468 & V, 279	Delisle, <i>HF</i> XXIV, p. *23, n. 1	<i>Layettes</i> , IV, 276, # 5393	A. N. J401 no. 2
Adam [II] de Beaumont [en-Gâtinais]	S. of Beaumont	✓								
Adam Harens	[Knight]	✓								
Amaury de Meudon	King's knight			✓						
Amaury VI de Montfort	Count of Montfort, constable	✓	✓							
Archambaud IX	S. of Bourbon	✓	✓							
Enguerrand III "le Grand"	S. of Coucy	✓	✓							
Erard de Brienne	[S. of Ramerupt]		✓							
Erard de Valery	Sen. of Champagne									✓
Etienne de Sancerre	[S. of St-Briçon, butler 1240-1253]	✓		✓			✓			
Eudes le Roux	Ex-Provost of Paris							✓		
Gaucher de Remilly	[unidentified]	✓								
[Gautier d'Avesnes]	Count of Blois	✓								
Geoffroi de la Chapelle	Pantryman (1240)									
Geoffroi de Villette	Bailiff of Caux (1212-38)			✓	✓	✓			✓	
Guillaume des Barres "le jeune"	[King's ? knight]	✓								
Guillaume de Dampierre [III]	S. of Dampierre									
Guillaume	Viscount of Limoges		✓							
Guillaume Prunelez	[unidentified]	✓								
Guillaume de Vergy	[unidentified]		✓							
Guy de Chevreuse	[King's knight]				✓					
Guy de Dampierre	S. of St-Just		✓							
Guy de [Nemours-] Méréville	S. of Méréville	✓								
Hervé d'Hierre	Provost of Paris							✓		
Hugues	Duke of Burgundy		✓							
Jean [I] de Beaumont- en-Gâtinais	[Chambellan? chambrier from 1240]	✓								
Jean de Braisne	Count of Vienne & Macon		✓							
Jean I Clément	S. of Mez, marshal	✓								
Jean II de Nesle	S. of Chimay & LeTours, Count of Soissons from 1234	✓	✓							
Jean Sarrazin	Chambellan								✓	✓
Jean de Valery	[King's knight]	✓								
Julien de Péronne	Bailiff of Verneuil (1258) & Rouen (1261-72)							✓	✓	✓
Mathieu de Beaune	Bailiff of Vermandois (1256-60)							✓		
Mathieu de Trye	S. of Trye-Château					✓				
Ours I or II [de Nemours]	Chambellan	✓								
Philippe II de Nemours	S. of Nemours; chambellan (1240)	✓								
Pierre des Barres	[King's knight]	✓								
Pierre de Fontaines	King's knight, bailiff of Vermandois (1253)							✓		
Pierre d'Ernencourt	King's knight			✓						
Pierre [de Villebéon]	Chambellan								✓	✓
Raoul "Malet"	[unidentified]							✓		
Renard de Ponts	[King's knight ?]					✓				
Robert de Coucy	Marshal	✓								
Robert de Courtenay	Butler (to 1240)		✓							
Simon [de Clermont]	S. of Nesle					✓			✓	✓
Simon de Poissy	[unidentified]	✓								
Regular and secular clergy		Count of Boulogne	Counts of Bar, St-Pol, Eu, Chalon, Boulogne, Champagne, La Marche			Bailiffs of Caen, Amiens, Vermandois Countesses of Boulogne, Ponthieu				
		4		4	5	12	5	—	16	8

Legend

✓	= present
C	= counselor
J	= judge
M	= master
E	= enquêteur in the case
ct, cts.	= count, counts
ctss.	= countess
S.	= seigneur
B.	= bailiff
Sen	= seneschal

(a) 1270: Designated to advise the king's brother Pierre, as regent for his son, in the event of Philip's death. Philip wished that his *chambellan*, Pierre de la Brosse, be "summoned also."

Abbreviated Source References

- Arch. Anc. de S-Q = E. Lemaire, ed., *Archives Anciennes de la ville de St-Quentin* (St-Quentin, 1894)
A. N. = Archives Nationales
B. N. = Bibliothèque Nationale
Boutaric, *Actes* = E. Boutaric, *Actes du Parlement de Paris*, 1 (Paris, 1863)
Delaborde, *Actes de P. A.* = H.-F. Delaborde, ed., *Recueil des actes de Philippe-Auguste, roi de France* (Paris, 1916, 1943)
Delisle, *Actes du P.* = L. Delisle, "Appendice: Livre Pelu Noir" in Boutaric, *Actes*
DHI = *Documents historiques inédits*, in *Collection de documents inédits*
HF, 24 = L. Delisle, ed., *Recueil des Historiens des Gaules et de la France* (Paris, 1904)
Langlois, *Textes* = C.-V. Langlois, *Textes relatifs à l'histoire du Parlement de Paris* (Paris, 1888)
[References on the Lists are preferably made to this collection, as the most complete one to date for acts with names of members of *Parlement*, despite prior publication elsewhere.]
Lay. = *Layettes du Trésor des Chartres*, ed. Teulet et al. (Paris, 1866-1909)
LeNain, *Vie* = L. S. LeNain de Tillemont, *Vie de Saint Louis*, ed. J. P. de Gaulle (Paris, 1847-51)

LIST II — MEMBERS OF *PARLEMENT* UNTIL 1251

NAME	ROYAL OFFICE, RANK, OR TITLE	c. 1202	1207	1221 (Mar. 1)	1223 (Apr.)	1230 (Feb.)	1230 (June)	1236 (May 3)	1237 (June 10)	1239 (May 18)	1244 (March, n.s.)	1250 (Feb. 13)	c. 1251
		King vs. Vidame of Châlons re regalia [Delaborde, <i>Actes de P.-A.</i> , 296, # 727]	Judgment by four bailiffs at Paris [HF, XXIV, # 274, no. 15]	King vs. Bishop of Paris [Loyettes, I, 514, # 1439]	Escheat of County of Beaumont [Langlois, <i>Textes</i> , 34, # XX; Boutaric, <i>Actes</i> , cccii, # 11]	Abbey of St-Germain vs. Tenants of Samoreau [Boutaric, <i>Actes</i> , ccciii, # 14]	Sentence vs. Pierre Mauciere [Loyettes, II, 178, # 2056]	King vs. Ctss. of Boulogne [Boutaric, <i>Actes</i> , cccv, # 16]	Cts. of Artois vs. Ponthieu [Arch. Dépt. Pas-de-Calais, A 960-bis]	Cts. of Artois vs. Ponthieu [HF, XXIV, # 119, n. 21]	(Pontoise) Church vs. Commune of St- Quentin [Arch. Anc. de S-Q, 42, ch. 41]	Bsp. vs. Bourgeois of Châlons [Boutaric, <i>Actes</i> , cccx, # 24]	Lord vs. Town of Poix [Boutaric, <i>Actes</i> , cccxvii, # 29]
Adam II de Beaumont [Amaury de Montfort]	[S. of B.-Gâtinais] Constable (1230-40/1) Ct. of M.						✓	✓	✓	✓			
Archambaud de Bourbon	S. of Bourbon				✓								
Aubert [I?] de Hangest	S. of Hangest			✓	✓								
Barthélemi de Roye	<i>Chambrier</i> (1204-37)	✓		✓	✓								
Dreux de Mello	S. of Loches			✓	✓								
Enguerrand III de Coucy	S. of Coucy			✓	✓				✓	✓			
Etienne de Sancerre	Butler (from 1240)			✓			✓						✓
Ferri Pâté	Marshal										✓		
Galeran d'Escrennes	Bailiff of Etampes (1224-34)					✓							
Gaucher de Nanteuil	Knight				✓								
Gautier [I de Villebéon] "the elder"	<i>Chambellan</i>	✓											
Geoffroi de la Chapelle	Pantryman (1235-), Bailiff of Caux (1212-38)				✓			✓	✓	✓	J	✓	✓
Gilbert Louet	[unidentified]				✓								
Gilles de Versailles	Bailiff		✓										
Guillaume des Barres	Knight	✓		✓									
Guillaume de Béthune	S.						✓						
Guillaume II de Dampierre	S. of Dampierre				✓								
Guillaume de Garlande	S.	✓											
Guillaume <i>Meneri</i>	Bailiff		✓										
Guillaume Pâté	Bailiff		✓										
Guillaume des Rches	Sen. of Anjou			✓									
Guillaume de Tournel	Marshal			✓			✓						
Guy de Nemours	S. of Méréville						✓						
Hugues d'Athies	Pantryman (by 1224-1235)					✓							
Hugues de Bastons	Bailiff		✓										
Jean I de Beaumont [in Gâtinais]	<i>Chambellan</i>							✓		✓	✓		
Jean [Clément]	Marshal								✓	✓			
Jean II de [Nesle]	S. of Chimay, then Ct. of Soissons (1234)			✓		✓	✓	✓					
Louis (future L. VIII)				✓	✓	✓							
Mathieu de Montmorency	Constable			✓	✓		✓						
Miles [Milon] de Lévis	Bailiff of Cotentin				✓								
Nicolas le Chat	[unidentified]	✓											
Nicolas de Hautvillers	Bailiff of Sens (1222-49)					✓							
Ours [I de Nemours]	<i>Chambellan</i>			✓	✓	✓	✓						
Philippe de Lévis	S.	✓											
Pierre Baron	[unidentified]				✓								
Pierre de Fontaines	King's knight										✓		
Pierre Tristan	<i>Chambellan</i>							✓		✓			
Renaud de Tricot	Bailiff of Gisors (1235-37)							✓		✓		✓	
Robert de Bove	[King's knight]				✓								
In addition: Bailiffs of						"and other good men"							
Counts of		Ponthieu, Beaumont- s.- Oise, Montfort		Beaumont- s.- Oise, Brittany, Blois, Grandpré, Namur, St-Pol [?] & 3 other lords	Beaumont- au-Maine		Flanders, Cham- pagne, Blois, Roucy, Nevers, Vendôme, Chartres.	Cotentin, Rouen- Caen, Verneuil					
Viscounts of													
Regular and secular clergy		7		3	7		3	1	4	3	3	4	4

Legend

✓	= present
C	= counselor
J	= judge
M	= master
E	= <i>enquêteur</i> in the case
ct, cts.	= count, counts
ctss.	= countess
S.	= <i>seigneur</i>
B.	= bailiff
Sen	= seneschal

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LeNain, *Vie* = L. S. LeNain de Tillemont, *Vie de Saint Louis*, ed. J. P. de Gaulle (Paris, 1847-51)

LIST II (continued) — MEMBERS OF PARLEMENT AFTER 1251

NAME (a)	ROYAL OFFICE, RANK, OR TITLE	1252 (Feb. 12)	1253 (b) (Feb. 25)	1254 (Mar. 25)	1255 (b) (July 1)	1256 (b) (Feb. 28)	1257 (b) (Sept. 8)	1258 (Sept. 8)	1259 (Feb. 9)	1261 (Feb. 9)	1261 (Apr. 9)	1264 (March 8)	1269 (b) (Feb. 14)	1273
		King vs. Bishopric of Soissons [Boutaric, <i>Actes</i> , cccix, # 31]	King vs. St-Martin-des-Champs [Langlois, <i>Textes</i> , 39, # XXIV; & HF, XXIV, # 313, # 135]	Granting regalia to Archbishop of Sens [Boutaric, <i>Actes</i> , cccxxviii, # 37]	King vs. Abbot of Villeloin [Delisle, <i>Actes du P.</i> , I, 308]	King vs. Eudes Rigaud re patronage [Delisle, <i>Actes du Parl.</i> , 309, # II, & Langlois, <i>Textes</i> , 43, # XXVII]	King vs. Abbot of St-Denis re jurisdiction [Olim, 19, XV-bis; Langlois, <i>Textes</i> , 44, # XXVIII]	King vs. Counts of Anjou & Poitiers [Boutaric, <i>Actes</i> , 23, # 285A; B.N.ms. lat. 9778, f° 275r°, col. 2]	King vs. G. d'Anduse re forfeiture [Langlois, <i>Textes</i> , 48, # XXXI; Olim, 75, # XXIX]	King vs. Abbot of St-Benoît [Langlois, <i>Textes</i> , 62, # XXXVIII; Olim, 127, # VI]	King vs. Brothers of Vincennes [Langlois, <i>Textes</i> , 63, # XL; Olim, 503, # XXX]	King vs. Bishop of Paris re jurisdiction on the Seine [Olim, 572, # XIV]	King vs. [unk.] re custody of Abbey of Beaupré [Delisle, <i>Actes du Parl.</i> , 309, # III]	Town vs. Bailiff of Senlis re jurisdiction [Langlois, <i>Textes</i> , 86, # LXVI]
Alphonse de Brienne	Chambrier, Ct. of Eu							✓						
Amaury de Meudon	King's knight										✓			
Etienne de la Porte	Bailiff of Rouen (1247-54)					✓								
Etienne "Tatesaveur" d'Orléans	Provost of Paris (1253) Bailiff of Sens (1255-71)		✓			✓				✓				
Geoffroi de la Chapelle	Pantryman (1235-)	J	C											
Gervais d'Escrennes	Knight, Master cook				M + C	J			C	✓	✓			
Gautier de Villers	Bailiff of Caux (1256-70)					✓				✓	✓			
Gilles "le Brun" de Trasnignis	Constable									✓	✓			
Guérin de Roçai	Knight		✓					✓		✓	✓			
Guerne de la Verberie	Provost of Paris (1253), earlier b. of Verneuil		✓											
Guillaume de Voisins	Bailiff of Rouen (1255-60)					✓								
Jean le Monnayer	Bailiff of Orléans, (1248-53) [commoner?]		✓											
Jean II [de Nesle]	Ct. of Soissons							✓			✓			
Jean III de Nesle	S. of Falery-s.-Somme, Ct. of Ponthieu									✓				
Jean de Quarrois	Ex-bailiff of Gisors									✓				
Jean le Saunier (d) (bourgeois of Pontoise)	King's sergeant, Bailiff of Caen (1263-75)									✓				
Julien de Péronne	King's knight, Bailiff of Rouen (1261-72)								C	✓	✓		M + J	
Mathieu de Beaune	Bailiff of Vermandois (1256-60)									✓	✓			
Philippe [II] de Nemours	Chambellan			✓	M + C					✓	✓			
Pierre [de Villebéon]	Chambellan									✓				
Pierre de Fontaines	King's knight, Bailiff of Vermandois (1253)				M + C	J			C	✓	✓			
Pierre d'Ernencourt	[King's] knight, Sen. of Beau- caire (?41-?43), B. of Amiens ? (1252-)				M + C	✓								
R[aul?] de Chevreuse		J												
Robert de Pontoise	Bailiff of Caen (1251-56)		✓			✓			C				M + J	M
Simon de [Clermont]	S. of Nesle						✓	✓		✓	✓			
Thibaut de Montliard	Master of bowmen									✓	✓			
Regular and secular clergy		10	Bailiff of Etampes 8	11	6	4 (°)	5	10 King of Navarre; Cts. of Flanders, Nevers, & Dammartin and "several other clerks and laymen"	7 "and others"	10 and eight other bailiffs	15	3	7	4

(b) *Cédules* drawn up for private parties (Delisle, *Actes*, 308, col. 1).(c) Ducoudray (*Les Origines du Parlement*, 121-2) lists also, but without source references: Gautier de Villette (bailiff of Tours) in 1269 and Guillaume de Chevre in 1267, but I find no evidence of their connection with *Parlement* except as investigators. See List III.(d) A. Dupoin, *Cart. de l'Hôtel-Dieu de Pontoise* (Pontoise, 1886), 19.

(e) Omits Jean de Flainville, canon of Rouen, procurator for the archbishop. Pierre de Mesnilo may have been clerk of Eudes Rigaud.

LIST III — AGENTS FOR *PARLEMENT*

Activities of the agents — judicial investigations or the execution of *Parlement's* decisions — are shown by citing source references under the appropriate years. Arrows indicate continuous activity from the first to the last date shown.

The list excludes

- (a) bailiffs acting exclusively within their own territorial jurisdiction and competence, where apparent;
- (b) provosts, castellans and viscounts making only occasional investigations, and bailiffs appearing only once (after 1240);
- (c) investigations instigated by the king outside of *Parlement*, e.g., the administrative *enquêtes*.

The approximate number of clerks acting in similar capacities is shown at the end of the list.

References are to Beugnot, ed., *Les Olim*, I, unless otherwise noted:

HF, XXIV = Delisle, *Recueil des Historiens des Gaules et de la France*

A. = Boutaric, *Actes du Parlement*, I

Lay. = *Layettes du Trésor des Chartes*

Legend

- B. = bailiff
- Sen. = seneschal
- P. = provost
- S. = lord

	1240 or before	1241-45	1246-50	1251-55	1256-60	1261-65	1266-70	
Amaury de Meudon	king's knight			Meulan: 1253: <i>A.</i> , cccix, 30 & 35	1258: 43, XXXIII 1259: 93, V	1265: 204, VII		
André le Jeune	B. of Amiens (1253)	1243: <i>A.</i> , # 1560-B						
Anselme "Chevalier"	B. of Gisors (1260-71)				1260: 122, X & pass.		1269: 307, IX	
Arnoul de Courferaud	B. of Caen & Sen. of Beaucaire (1256-63) (1264-5)	Active in exchequer [<i>HF</i> , XXIV, *253]			1259: 98, XIV & pass.	1263: 170, X	1269: 288, XI & pass.	
Aubert [II] de Hangest [younger]	Knight			1252: <i>A.</i> , cccxx, 32 → 1254: cccxxix,				
Berenger Rabot	B. of Mantes (1256-62)				1259: 101, VI	1264: 186, III		
Bertier Angelart	B. of Amiens & Vermandois (1264-6) (1266)					1264: 190, V & pass.	1268: 279, X	
[Dreu de Braie]	B. of Amiens (1256-63)				1256: <i>HF</i> , XXIV, *316 & pass.	1264: 190, V		
Etienne Boileau	P. of Paris (1261-69 or 70)					1263: 172, XIII & pass.	1269: 506, VIII & pass.	
Etienne Tatesaveur	B. of Sens (1255-71)				1259: 80, X & pass.; <i>Actes</i> , 143, #1560-N		1270: 333, I & pass.	
Gautier Bardin	B. of Amiens & Vermandois (1266-67) (1268-86)					1265: 641, XV	1269: 757, XII	
Gautier Damtelle	Unidentified		1246: <i>A.</i> , cccviii, 22					
Gautier de Villers	B. of Caux (1256-70)					1261: 136, VIII	1269: 295, IV & pass.	
Gautier de [la] Villette	B. of Tours (1266-71)						1266: 229, I → 1269: 292, I	
Geoffroi de la Chapelle	Pantryman [Date? <i>HF</i> , *110]			G. the Younger: 1253: <i>A.</i> , cccxxii, #35		Before 1261: 511, XII		
Geoffroi de Joui	B. of Mantes (1263-71)					1263: 180, VII & pass.	1270	1271: 375, II
Geoffroi de Milly	B. of Amiens (1228-44)	1228/44: <i>A.</i> , #1560-C						
Geoffroi de Ronquerolles	Sen. of Beaucaire & B. of Vermand. (1258-60) (1261-66)					1263: 183, XV & pass.	1270: 336, V	
Gérard de Chevreis	B. of Orléans & Senlis (1256-63) (1264-70)				1260: 105, VIII & pass.	1264: 192, XI & pass.	1267: 262, VII	
Guerne de Verberie	B. of Verneuil (1237-44)	1237/44: <i>A.</i> , #1560-D & K						
Guillaume d'Authon	Sen. of Nîmes & Beau. (1254-8)				1258: <i>HF</i> , XXIV, *233	1262: 148, I & pass.	1269: 286, VIII	
Guillaume de Centignovilla	king's knight				1260: 107, VIII & pass.		1268: 268, I	
Guillaume de Chenevières	B. of Bourges (1258-62)		[Date unknown <i>Olim</i> , 795, XIV]		1259: 78, IV & pass.	1265: 214, VII	1266: 233, V	
Guillaume de Chevy	king's knight?						1266: 238, III; 1269: 285, VII	
Guillaume de Neuville [Guy?]	knight				1259: 83, XVII	1264: 190, V [Guy]		
Guillaume de Voisins	B. of Rouen (1255-60)				1260: 101, III 468, III	the only mentions		
Henri de Courances	Marshal					1265: 211, XVI	1268: 780, XXIV	
Hugues de St-Just	B. of Orléans (1264-71)					1264: 191, VII & pass.	1270	1271: 377, V & pass.
Imbert de Temples	knight?		1250: <i>A.</i> , cccxi #27	1251: <i>A.</i> , cccxvii #29				
Jacques d'Ardennes	Unidentified 1240: <i>A.</i> , cccvii, 20							
Jean de Criquebeuf	B. of Verneuil (1258-73)				1259: 81, #XII & pass.		1270: 315, I	
Jean de Flory	king's knight					1264: 186, II	1269: 313, XVII; 1266: 234, IX	
Jean de Quarrois	B. of Gisors (1258-60)				1258: 77-100, #II & pass.		1266: 221, VI	
Jean le Saunier	B. of Caens (1263-75)					1261: 127, VI & pass.	1270: 328, XIII	
Jean des Vignes	B. of Rouen & Caens (1228-44) Before 1236: <i>A.</i> , ccciv, 15							
Julien de Péronne	B. of Rouen (1261-72)				1260: 100, II & pass.		1269: 301, XI	
Mathieu de Beaune	B. of Vermandois (1256-60)				1260: 106, V & pass.	1264: 193, XIV		
Nicolas de Menou	B. of Bourges (1253-7)				1260: 116, I		1270: 318, V	
Philippe de Chenevières	B. of Queen (1252)			1248/53: <i>A.</i> , cccxxi, 33				
Pierre d'Auteuil	Sen. of Carcassone & B. of Étampes (1254-63) (1265-6)			1255: 194, #XV	1259: 77, I	1265: 215, IX & pass.	1266: 233, V-VI	
Pierre d'Ernencourt	Sen. of Beaucaire & Amiens (1241-3) (1252)?			1252/3: <i>A.</i> , cccxxi, 34; 1255: 433, V				
Pierre de Fontaines	B. of Vermandois (1253)			1252: <i>A.</i> , cccxx, 32	1260: 469, V			
Raoul de Sens?	B. of Macon (1236) Before 1238: <i>Lay.</i> II, 377, #2466;							
Raoul de Trappes	Sen. of Per. & Lim. (1260-2) <i>A.</i> , cccvi, #17.					1261: 140, VI & pass.	1270: 321, VII	
Renaud de Mormant	knight						1269: 296, V & pass.	
Simon de Clermont	S. of Nesle			1252: <i>A.</i> , cccxx, 32	1259: 461, IX		1269: 771, VII	
Clerks active				5	13	17	24	

were held in Paris (as most of them were after 1255) suggest the king's presence, though not necessarily for the entire session, and though he did not necessarily personally preside, even if he obviously enjoyed this role.¹⁷⁹ On 2 February 1255 "it pleased the king" to relinquish an inheritance that would normally revert to the crown for the sake of the heirs of a woman who had drowned in "an excess of insanity."¹⁸⁰ In June 1265 it was the king who held that he had rights of justice over the men of the bishop of Paris, though he took his decision "through the counsel of several prelates and other good men."¹⁸¹ In a session around 1267 described by Joinville,¹⁸² the king disposed of the complaints of the archbishop of Reims and the bishops of Chartres and Châlons in a confidential session with them, apparently without his counselors. In 1267, despite the advice of a majority of *Parlement*, the king allowed the abbot of St Lucien of Beauvais to retain justice over a village.¹⁸³ His intervention was not simply to insure that cases could be decided in his immediate interests but in the interests of justice. He received popular support for this policy among such men as Hugues de Barjols, who preached: "Kingdoms are not lost because the prince is a believer or an unbeliever, but by *défaut de droit*. It is the king's duty to seek the law... to take care to render good, to preach justice to his people."¹⁸⁴

The *curia*'s more apparently legislative or political role is not to be neglected, yet here too the formulation of basic policy was the king's. Formal sessions of the *curia* in a non-judicial capacity — the *grand conseil* — were apparently rare, and the king, in intimate sessions with his closest advisers, had probably already made the decisions and merely needed public support for advice and assistance in enforcement. The regular counselors were largely the same ones who sat in the judicial sessions. Public support in a formal ceremony was doubtless the purpose of the assembly in 1251 called to proclaim the peace between the bourgeoisie and the University of Paris, of that in 1252 to make provision for the rights of Blanche's sons, and of that in 1268 which afforded the king the opportunity to indicate his approval of a new bishop.

¹⁷⁹ N. De Wailly and L. Delisle, Preface, *HF*, 22, xvi and xviii.

¹⁸⁰ *Olim*, I, 431, #XXV.

¹⁸¹ *Olim*, I, 608, #XVII.

¹⁸² Ch. XXXVI, #672 ff. Between November 1267 and February 1268, on the same occasion as the depositions of witnesses in the case of St Rémy (*Layettes*, 5, 285, #821 & 823 [1267 not 1263, as per Boutaric, *Actes*, 75, #818 B-D]).

¹⁸³ Boutaric, *Actes*, 107, #1179 (8 Nov.). Cf. the decision of 1268 re excommunicants (above p. 266); the king may have intervened in the session of 1259 on the custody of St Rémy, but only "after taking counsel."

¹⁸⁴ Joinville, para. 55-57.

The *ordonnances* were actually more regulatory than legislative. They provide no names of members of the *curia* who may have been present on their promulgation. The famous "*ordonnance*" prohibiting private wars "throughout the kingdom" does not even tell us whether there was a formal session of the court in 1245 when it was promulgated for an effective period of five years. In 1258 the king ordered the seneschal of Le Puy to lend assistance to the bishop-elect, Guy Foulcoy, in enforcing its renewal for the diocese of Le Puy.¹⁸⁵ Though the *ordonnance* was no more a piece of formal "state legislation" than that on the judicial duel, and was perhaps designed deliberately for particular circumstances and limited in its period of effectiveness and extent of application, yet again the *Parlement* received a precedent and proceeded under royal determination to restrain private vengeance, to receive sureties against the breaking of the peace, and to guarantee them. In the face of a cherished tradition of honor among the nobility, the *ordonnance* seems to have been more consistently enforced than any other part of Saint Louis' policy of establishing order and justice.¹⁸⁶ Indeed, some of his counselors were typically prepared to be more severe than the king, as in 1268, when "... as it seemed to several of the council, the king acted indulgently with the same Bosun."¹⁸⁷ As regulatory acts these *ordonnances* were scarcely different in intent from the efforts of *Parlement* to define and regularize procedure.¹⁸⁸ After the Egyptian crusade, meetings of the *curia* became so dominated by judicial business that the major *ordonnances* appear to have been in effect acts of *Parlement*, or at least promulgated at sessions of the *curia* sitting in this capacity. To the extent that the "*ordonnance*" of 1258 on the duel deliberately broke precedent by "prohibiting battles in the domain of the king in France and Normandy," the initiative was certainly Louis', consistent with his love of orderly process. Its probable promulgation at a session of *Parlement* gave the king an opportunity to publicize the regulation, for it was probably Eudes Rigaud (who was present at this session) and another clerk, Eudes de Lorris, who proclaimed it shortly afterwards in Normandy at a session

¹⁸⁵ *Ordonnances*, 1, 56 (1245, via a *vidimus* of 1353) and 84 (1258, January, n.s.).

¹⁸⁶ Ducoudray, *Les Origines du Parlement*, 329, 331, ref. *Olim*, I, 466, #XII & 89, #VIII; Boutaric, *Actes*, 97, #1037. Cazelles ("La Guerre privée...," *RHD* [1960], 539), in arguing the inconsistent enforcement of the *ordonnance*, overlooks these cases, and in attributing the initiative in 1258 entirely to Guy Foulcoy, overlooks the "*ordonnance*" of 1245, as does Fawtier (*Inst.*, 2, 425), where more was involved than the *quarantaine* attributed by Beaumanoir to Philip Augustus.

¹⁸⁷ *Olim*, I, 286, VIII (sic).

¹⁸⁸ See, for example, that of 1256 (*Ord*, I, 58). The summoning of barons concerned to clarify an understanding of feudal custom in Anjou and Maine is a clear example of the king's and *Parlement*'s obligation to "find the law."

of the exchequer.¹⁸⁹ The *ordonnance* against blasphemers of 1268 or 1269 is the only clearly legislative act; it applied both to the king's lands and to the baronies and communes, and was issued "with the assent of our barons... in this *Parlement* of the Assumption of Saint Mary..."¹⁹⁰ If his counselors had any influence in this area of moral legislation, it was probably in the direction of modifying the king's radical initiative, as the pope (Guy Foulcoy) hoped they might. Beugnot refers to the legislation regulating the coinage and circulation of seignorial money as proof of the power in legislation of the bourgeoisie, since the *jurati* from Paris, Provins, Orléans, Sens and Laon were present and countersigned the act.¹⁹¹ But surely this was an example of regulatory legislation which would at least equally benefit the king, rather than a demonstration of the influence of a particular class of "counselors."

Thus the contribution of the counselors in the *curia* in their general conciliar role, as it was in their judicial role, was essentially institutional: that of formalizing procedure in the king's interests and serving as a clearing house for all the king's business — not that of deliberately reshaping policy, which was the king's prerogative.¹⁹² While the composition of the *curia* underwent substantial change in Louis' reign, this change served mainly to accelerate the execution of traditional royal policies; and these surely became more effective as the minor clerks and ordinary knights came to predominate in the court, while the few remaining lay lords, like Jean de Nesle, put the interests of the king above those of their class.

It was similarly the execution of royal instructions that constituted the significant activity of these counselors when they were not *in parlamento* — activities of which we have noted examples in the course of considering their individual careers. By asserting the traditional feudal and patrimonial authority of the king, they inevitably enhanced his sovereign authority over the kingdom.¹⁹³ Their effect was, above all, an indirect and collective one: that of building new social and political institutions within the old feudal monarchy. Except for the policy of peace among Christian states, the policies of the king had not changed since the days of Philip Augustus, but the new institutions increased the effectiveness with which they were interpreted and carried out, policies which were now the *public* interest.

¹⁸⁹ See note 165 above. J. Tardif, *op. cit.*, 7-8, ref. *Reg. visit. arch. Rotham.*, 321.

¹⁹⁰ *Ordonnances*, 1, 99-101; renewed in 1269, p. 104.

¹⁹¹ *Ordonnances*, 1, 93 (1263); Beugnot, *Inst.*, 83-4. Luchaire (*HIM*, 1, viii) makes the same confusion between the bourgeoisie as supporters of the crown and as sources of its counselors.

¹⁹² Cf. Le Nain, *Vie*, 5, 27; *Olim*, I, 274, II.

¹⁹³ Cf. Wallon, *St Louis et son temps*, 2, 153 & J.-F. Lemarignier, "La Royauté," *BEC*, 108 (1955), 23-24.

Does Louis deserve credit for the counselors who served him? He was susceptible to family sentiment in appointments to largely ceremonial offices, but on the whole he chose his advisers on the basis of their individual qualities and rewarded them accordingly but conservatively. Thanks in large part to the vigor of his immediate predecessors, and to the increased financial resources of the crown which permitted paying government servants regular wages and granting them *fief-rentes*,¹⁹⁴ Louis' administration was able to attract to career service competent persons drawn from a broader band of the social spectrum and from territories which had taken an early lead in the economic revival of Europe. And for this concern for good housekeeping, as well as for his policy of justice and order within and without the kingdom and for his practicing piety, Louis earned his reputation as the ideal Christian prince.

Louis' reign was the apogee of the feudal monarchy. It could go no further without losing its feudal character. Together with his counselors, he carried out almost unconsciously a revolution in government administration, which set the stage for the further centralization and the absolutism of the French monarchy.

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¹⁹⁴ All but the Great Officers, the master *chambellan*, and the members of *Parlement* received wages — albeit modest ones — according to the *Ordonnance* of 1261; the last, if not also the first two of these, however, were presumably included by 1269 in their status as "counselors," who took a formal oath of office by this time. Cf. note 17 above. For 1261: Louis Douët d'Arcq, *Comptes de l'hôtel...*, vi-vii. For 1269: C. D. Du Cange, *Histoire de Saint Louis du sire de Joinville* [Paris, 1819-29], #II, 9; Lot, *Inst.*, 2, 76, ref. to Noel Valois, *Inventaire des arrets du Conseil d'État... Règne de Henri IV*, 1, "Étude historique sur le Conseil du roi" [Paris, 1886], cxiii.

Konrad von Würzburg's Realistic Sovereign and Reluctant Servitor

STEFAN F. L. GRUNWALD

KONRAD von Würzburg (d. 1287) is often referred to as the last significant poet of German medieval epics. It is, however, more accurate to think of him as a poet of transition: he is "auf der Grenze zwischen ritterlich-höfischer und bürgerlich-gelehrter Dichtung."¹ Kurt Herbert Holbach has already shown that Konrad's style, for example, differs from the traditional courtly epics.² Another transitional trait in the poet's work, his striving for literary veracity, will be discussed in this paper. Specifically, one of his smaller works, "Heinrich von Kempten"³ (c. 1260-1270, usually entitled "Otte mit dem Barte"), demonstrates a change in descriptive technique (and in literary interest): the two main figures in the poem are characterized with calculated realism. This contrasts with the aims of earlier French and German writers, who attempted to idealize the image of, as well as the relationship among, rulers and vassals (Arthurian Romances, *Tristrant/Tristan*, *Chanson de Roland*). Propriety towards, and respect for, in spite of conflicts with, the ruler, e.g. Iwein-Arthur, Tristan-Mark, Ganelon-Charles, are some of the traits of this idealization which do not appear anymore in "Heinrich von Kempten."

Konrad found little precedent for realism in German literature. Judging, however, by the occurrence of such figures as Prince Ritschier in "Engelhard," King Richard in "Turnier von Nantes," and others, Konrad was influenced by English "Geistesgut." Possibly he was acquainted with, and followed in the footsteps of, earlier Anglo-Norman writers who had been describing sovereigns and servitors veraciously. Thus, Geoffrey of Monmouth's *Historia regum Britannicae* (c. 1147) contains realistic and vivid details of barbarity and cruelty; its translation and free adaptation, Wace's *Roman de Brut* (c. 1155) evidences a strong quest for conciseness; Layamon's

¹ *Allgemeine Deutsche Biographie*, 44 (Leipzig, 1898), 357.

² *Gottfried von Strassburg und Konrad von Würzburg. "Klassik" und "Barock" im 13. Jahrhundert. Stilgeschichtliche Studie* (Stuttgart, 1930). See specifically: stylistic transition, p. 39, and "Barocke Extensität," pp. 42 and 46.

³ Entitled thus by Edward Schröder, *Kleinere Dichtungen Konrads von Würzburg*, ed. Edward Schröder, I (Berlin, 1924). This edition is used for this article, and line references are carried in the text. The circumflex is omitted in the quotations.

Brut (c. 1205), like Konrad's, a work of stylistic transition, presents the knights as credible and tough Anglo-Saxon combatants. The Arthurian savagery occurring before the Yuletide feast is mirrored in the brutal realism displayed during the Easter banquet in "Heinrich von Kempten" (144-155). It suffices to say that in the thirteenth century, Konrad von Würzburg was one of the first German writers to appraise the sovereign and the knight in a realistic vein.

The well-known story of "Heinrich von Kempten" deals with the conflict between a knight, Heinrich, and an Emperor, Otte. It is important to stress that Konrad did not intend to deal with one particular knight but rather, with the group to which he belonged. This becomes clear from the end of the poem where the poet notes (my italics) "*Darumbe ein ieslich ritter sol*" (744), and addresses other didactic lines to the nobility. Heinrich, and for that matter Otte, constitute symbols which are meant to represent nobility in general. Through them, with slight acerbity, the poet attempted to express contemporary attitudes towards the noble class.

In this epic Konrad scrutinized critically, and spoke disparagingly of, the nobility's virtues of loyalty, honor, and *maze*, i.e. lofty ideals often attributed it by the traditional poets, whose courtiers and knights were usually paragons of the "knightly code" (notable exceptions: Keii in Iwein, and Ilsan in "Der grosse Wormser Rosengarten"). One reason for this diverging attitude towards the nobility by Konrad and other poets was, as research has shown, a change in the approach to their readers: the traditionalists aimed to entertain but the newer writers intended to teach. Indeed, in "Heinrich von Kempten," Konrad dealt with his subject through a great deal of didactic satire. His laughter is very gentle, for example, when he describes how the young aristocrat snatches bread from the Emperor's banquet table. Although he is "der hochgebornne knabe," he still has to "ezzen sam diu kint, / diu des sites elliu sint / und in der wille stet dar zuo / daz si gern enbizent fruo" (67-70). The author ironically notes that even princes filch from the table of the grown-ups and that they thus are on the same human, common level with all other hungry children.

Irony turns to sarcasm in the description of Otte's defeat by Heinrich. The knight pulled the Emperor by his beard over a table so that:

... daz kinne wart im und der flans
vil hares da beroubet:
sin keiserlichez houbet
wart sere entschumpfieret,
die krone wol gezieret...
viel nider in den palas
und al sin richiu zierheit. (270-277)

This facetious picture, so reminiscent of the slapstick situations popular in our times, has a clear moral: subordinate noblemen can degrade the lord of the land, not in honorable combat, but in a base melee, and to boot, escape punishment. Anyhow, implies Konrad, the Emperor emerges as a figure which does not tower so high after all.

Another reason for a change in attitudes toward the nobility was that certain higher ideals began to preponderate: the nobleman's preoccupation with warfare and adventure was confronted by the burgher's quest for work and trade; the courtly bard's striving for ethereality came face to face with the bourgeois poet's predominating interest in literary realism. To be sure, one cannot conjecture that Eilhart von Oberg, Heinrich von Veldeke, Chrétien de Troyes, Hartmann von Aue, Wolfram von Eschenbach, Gottfried von Strassburg, as well as the anonymous poets of the popular epics, were not aware of the crude behavior, for example, prevalent among lords and vassals. But the aim of their literature was the presentation of an ideal. Halbach (op. cit., p. 2) correctly remarks that these poets were guided by the spirit "der Einfühlung in die verklärt, idealistisch gesehene Welt,..." They sought to elevate court and courtliness above everyday life.

Not so Konrad. He clearly intended to relate a story in which the corporeal event became more important than the abstruse experience. This search for realism is a rather consistent trait in his work. In "Heinrich von Kempten" there are many explanatory remarks such as "dünet mich" with which the poet wanted to signalize that he strove for a credible description. It also appears to me that Konrad intentionally emphasized the actuality of his tale through the frequent usage of certain stylistic devices, (though part of his "Geblümter Stil," illustrated in detail by Holbach, pp. 46 and 52,) such as expansion ("den sal uud [sic] disen flecken (143)," "do liez er baden unde twahen (574)," etc.), parallelism ("min lehen und min ere (499)," etc., and diminution ("ein lützel und ein wenic abe (66)," etc.). This is a style which almost pedantically underlines the obvious.

Konrad's portrayals are often revolting, and formed a new trend in concrete and relevant description. The simplicity of his imagery, which pleased Karl August Hahn a great deal,⁴ is a further indication that the poet sought realism. His depiction necessarily dispelled the notion of relative sophistication enjoyed by the aristocracy and nobility in previous poems.

⁴ In his introduction to: *Cuenrat von Würzeburg, Otte mit dem Barte*, ed. Karl August Hahn (Quedlinburg und Leipzig, 1838), 21.

This lively tale of deeds and personalities under discussion here indicates that its author no longer regarded the monarch and the knight as exponents of the traditional "knightly code." Certainly, they neither adhere to Christian *maze*, nor practice acquired good manners. On the contrary, the Emperor, for example, is an unstable man in the episode dealing with the marshal's murder. He is also an imprudent statesman: unarmed and unprotected he meets the treacherous burgher emissaries of the besieged Italian city, and almost becomes their victim. All this is in keeping with Konrad's "new realism." Indeed, the Emperor figure which emerges in this poem is in marked contrast to the traditional ruler of the epics. Gunther in *Nibelungenlied*, Mark in *Tristan*, Charles in *La Chanson de Roland*, and especially Arthur in *Parzival*,⁵ are all passive figures, who seldom engage in man to man battle. (The only time Gunther participates in such combat is in the 39th Aventure.) They stand aloof in petty squabbles,⁶ and are never characterized as villains. At their side always stand other powerful figures who carry out certain decisions, and advise them: Hagen-Gunther, Tristan-Mark, Gawain-Arthur, Roland-Charles. As rulers they command absolute allegiance, based on an idealized voluntary participation by vassals and courtiers.

None of these points fits Otte. On the contrary: this is a very active person, who decides on the spot to avenge the marshal's murder, and proclaims that the knight is to be punished immediately; the Emperor is called "ein übel man. / sin herze in argem muote bran," (9-10); not one outstanding vassal helps or counsels him. Otte merely possesses a courtly entourage which is not even able to advise him on how to find protection from his assailant, Heinrich. Konrad regarded it as a body which entertained and informed. (Historians of that time, like Gottfried von Viterbo, spoke of the slyness and negligence of this very retinue.)

In keeping with historical veracity "Heinrich von Kempten" indicates that its author and his contemporaries had developed strong reservations about the political and judicial functions of the Holy Roman Emperors. The poem was written, according to internal evidence, during the Great Interregnum (1254-1278). In 1254 died the last Hohenstaufen ruler, and with him, in essence, ended also *the* Empire. By that time it had lost a great deal of prestige, and for Konrad the Interregnum must have seemed

⁵ Which is in contrast with the active Arthur in the ninth century Chronicle of Nennius and in *Morte Arthure* (ca. 1350).

⁶ Margaret J. C. Reid notes that the twelfth century tales "... 'Kilhwch and Olwen' and the 'Dream of Rhonabwy'... show Arthur as a kind of superman, towering above his underlings in a world of magic." In: *The Arthurian Legend*, etc., second reprint (New York, 1860), p. 14.

a safe and propitious moment to hypostatize the Emperors. For example, he no longer regarded Otte as the absolute, supreme secular authority, and criticized the Emperor as the highest judge. Thus he has Heinrich announce:

hab ich mit rechter ungedult
 verdienet iuwer vientschaft,
 so lazent iuwer magencraft
 mich vellen unde veigen.
 müg aber ich erzeigen
 daz niht si diu schulde min,
 so ruochent mir genaedic sin,
 daz ir mir niht üfels tuont.
 (208-215)

Konrad felt that if justice was to be done, the knight was at least due a proper hearing, not a mere condemnation by a man who possessed the "magencraft" and acted according to the arbitrary laws of *vi et armis*. Heinrich does not deny the Emperor's superiority but wants to be treated according to a more progressive and enlightened justice. He entreats Otte to use sound judgment and even appeals to the sovereign's reason when he tells him that "sit daz ir habent die vernunst / daz ir von art bescheiden sit," (220-221). When his superior does not act in an intelligent fashion, Heinrich proceeds with great determination and forces him to be reasonable.

In Otte's very failure to be sensible one can perceive also Konrad's attempt to show the human side of an emperor figure. Whereas the rulers in the traditional epics tend to be reserved and cool, Konrad's emperor is essentially down-to-earth and emotional, for when he ultimately reconciles himself with Heinrich, Konrad relates: "sus sprang er [Otte] uf und lief in an / and kuste im ougen unde lide," (730-731); he possesses a sense of humor, something lacking in the other rulers mentioned; his character is shown in development, for at the beginning he is labeled an evil figure. Near the end, however, one meets a man who displays human warmth and is able to forgive his enemy. Finally, he even treats his former assailant with great generosity and respect. The static quality of men in previous epics is completely absent in "Heinrich von Kempten." On the whole, Konrad regarded rulers like Otte as human beings, whose vices and virtues were to be viewed rationalistically. This is certainly an evaluation which renders his Emperor figure a credible personage.

Konrad's characterization of the knight is equally realistic. Heinrich von Kempten certainly does not adhere to the traditional "knightly code." In fact, he is a crude and ill-mannered fellow. (In this sense he is a worthy successor to Ilšan in "Rosengarten.") His obstreperous fashion of dealing

with the Emperor must have appeared preposterous to the traditionalists. E.g.: Heinrich "roufte in sere widerstrit / bi sinem langen barte, / er wurgte in also harte / daz er niht mohte sprechen (296-299)." This is an action befitting a bandit or waylayer, and is of course completely contrary to the regard which the knights of Wolfram and Gottfried had for their overlords.

Through Heinrich's rough-hewn manner of fighting, the poet indicated another behavioral transition that the knight had undergone. Konrad did not show him in noble combat but rather, in a duel which is a veritable banquet brawl:

do greif er [Heinrich] einen stecken
als einen grozen reitel:
er sluog in daz diu scheitel
im [marshal] zerclachte, sam ein ei,
und im der gebel spielt enzwei
reht als ein havenschirben,
(144-149)

For the German writers of the traditional epics it would have been inconceivable to involve their noblemen in such base fighting. Their knights jousted and fought but always preserved chivalry, i.e. actions demonstrating a courtly upbringing. (Notable exception: the melee between the Red knight, Ither von Graheviez and young Parzival, the tyro, who had not yet learned chivalry.)

Indeed, Konrad noted that knightly deeds had undergone a detrimental change. For one, he showed that Heinrich's personal attack on his seigneur was disrespectful regression from chivalry. Furthermore, the poet had but contempt for the marshal's beating of the young prince, and through Heinrich he has the other reprimanded: "ir nu hant zebrochen / iuwer ritterlichen zuht (110-111)." By setting the last two words, "chivalrous" and "upbringing" together, and contrasting them facetiously with the action of child spanking the poet succinctly obviated a lengthy condemnation of such an inglorious stunt. He concluded that instead of performing valorous deeds, some noblemen had nothing left to do but to beat defenseless children, and therefore he has Heinrich exclaim: "ir werbent anders danne ir sult (115)."

Konrad also demonstrated how an Emperor justifiably deprecated the services of some of his knights. Upon being released from Heinrich's clutches Otte declares:

mir muoz ein ander meister schern
dann ir, daz wizzent ane spot,
min bart muoz iemer, sam mir got,
iuwer scharsach miden:
ez kan unsanfte sniden

hut unde har den künegen abe.
 vil wol ich des emphunden habe
 daz ir ein übel scherer sit. (370-377)

His words, aside from bespeaking the ribald nature of some knights, convey the author's sarcasm, which is emphasized by the Emperor's odd turn of phrase "daz wizzent ane spot," and is heightened through effective allegorical satire: a knight, instead of being a valiant assailant who fights for his master with a sword, is contemptuously branded as a barber, a poor one at that, whose razor does evil service to the monarch.

Indeed, in this poem Konrad satirized knights for being indecorous; for displaying poor manners; for fighting in bad taste; for lacking in valorous deeds, and for often performing but poor services to their sovereigns. With these various points of contention the poet relates, I believe, contemporary sentiments towards the so-called "knight's code:" a proper conduct based on an idealized etiquette was revered by courtly bards but in reality seldom practiced by courtiers and knights. This partially substantiates Professor W. T. H. Jackson's indefinite observation that "There has been a great deal of dispute as to whether an actual code of courtly behavior, of knightly virtues, existed..."⁷ If it did exist its validity was certainly seriously questioned in such works as *Meier Helmbrecht* and "Heinrich von Kempten." In the latter poem the author challenges yet another medieval behavioral pattern, i.e. the feudal contract. Heinrich, as a member of the landed gentry, unlike Kalogreant, Parzival, Tristan, Roland and other knights, was not part of a royal retinue. He was a subvassal of the Duke of Swabia, *gasindi* of an abbot, both of whom, in turn, owed allegiance to the Holy Roman Emperor.⁸ In this respect "Heinrich von Kempten" manifests particularly well the social stratification in the Middle Ages.

The German feudal system, leaning on the Roman customs of patronage, arose around the middle of the ninth century, and was consummated during the tenth and eleventh centuries, i.e. during the period when the Latin model for Konrad's epic might have been written down. The poet, who had read that story upon the suggestion of his patron, Berthold von Tiersberg, must have been intrigued to note in it that at the height of its development, the feudal contract already bore serious flaws. "Heinrich von Kempten" could actually serve to substantiate the careful research

⁷ *The Literature of the Middle Ages* (New York and London, 1962), 88.

⁸ It is not clear to which Emperor Otto the poet refers. Konrad probably fused the events in the Latin story to fit his purpose, for it was Otto I (912-973) who sported a red beard but his son Otto II (955-983) who had some dealings with Apulia, "Pülle" as it is called in this poem.

of P. Boissonnade who has found a "comparative weakness of feudal organization... between the tenth and the twelfth centuries [in the Rhineland and Swabia, i.e. the very scene of events of this poem]." ⁹ And since, by the thirteenth century, feudalism had begun to decay (because of the growth of the monarchical system) Konrad thought the Latin story a fine vehicle with which to bring feudal defects into the proper social perspective for his time. With his poem he could exemplify some of the symptoms of the decadence.

Heinrich von Kempten was made the spokesman for the many thirteenth century knights who increasingly resembled burghers because of their aversive adherence to the feudal scheme. His relationship to his first master, the Duke of Swabia, reminds us clearly that knights were often but reluctant parties to the legalities of their social contract. Heinrich had been called upon, as was usual for a vassal, to become "zuhtmeister" for his seigneur's son, whom he called "den herren min." Konrad saw reluctance in the following: first, due to Heinrich's neglect the boy had stolen away and filched from the table; second, the knight did not act as protector because he was absent during the marshal's assault on the child; third, the vassal paid only halfhearted attention to one of the major tenets of the feudal contract, i.e. his unconditional responsibility to aid his lord in time of trouble. (By the thirteenth century and even earlier, as research has shown,¹⁰ this clause had often been attacked and interpreted liberally by those who were subject to the contract.) With the lines (my italics) "sit daz ir *sunder alle schult* / geslagen hant den herren min (117-118)" Konrad indicated that if the marshal had been justified in beating the child, Heinrich, in deference to the social contract, might not have taken any measures against him. Moreover, he stresses that Heinrich was not really driven to the slaying out of a sense of duty but rather that he had been provoked by his adversary's overbearing manners. All of this proved to the author Heinrich's and others knights' low esteem for, and reluctance to participate in, the feudal contract.

Indeed, Heinrich's relationship with his second master increases this impression. The knightly image of voluntary as well as unconditional subservience and fidelity is marred when the abbot asks the knight to go to Italy to help the Emperor. Heinrich tries to find an excuse to stay home by mentioning Otte's wrath towards him. Although he finally complies, he does this only under stringent coercion: his liege lord threatens to take

⁹ *Life and Work in Medieval Europe*, tr. Eileen Power (New York, 1964), 121.

¹⁰ E.g.: Georg Steinhausen, *Geschichte der deutschen Kultur*, third ed. (Leipzig, 1929), cf. especially ch. V.

away his landed possessions and his rights, unless he cooperates. Heinrich replies: "e daz ich laze uz miner hant / min lehen und min ere, / e rite ich unde kere / mit iu benamen in den tot (498-501)." Had he not obeyed, his *beneficium* would have been escheated. He was after all a father interested in retaining his holdings for his offspring. Under the feudal arrangements his lands were not automatically inherited by the sons, but often enfeoffed to others with a more propitious record of service. Only the lord could decide whether such fiefs would be passed down to the knight's progeny. And thus Heinrich's act of compliance and fidelity was anything but voluntary; in fact, it was self-defense.

In this and other respects mentioned "Heinrich von Kempten" is a valuable historic-literary document for in it Konrad von Würzburg convincingly managed to combine fact and fiction. The result is a rather objective image of what sovereigns and servitors of his time must have been like.

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Signs of Death in Middle English

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THE Signs of Death, best known in Middle English literature as a subgroup of moralizing¹ religious verse, are found also in similar and occasionally overlapping lists in medical collections. Actually they serve two separate functions: the age-old diagnostic use to ascertain whether a sick man live or die, and the later religious use to warn the dying sinner to repent. This paper gives further illustrations of the two functions and presents some remaining unprinted texts in Middle English.

A representative medical example of the *Proprietates Mortis* is included in *Breviarium Bartholomei* (Pars I, Dist. 6, Cap. 19), a medical encyclopedia compiled by Johannes de Mirfield at the end of the fourteenth century: "Iste est paruus tractatus collectus ex dictis doctorum medicine de Signis pronosticis mortis." Despite what its modern editors call the "curious mixture of science, nonsense, and superstition,"¹ Chapter 19 was evidently considered so valuable that it was extrapolated as a separate tractate in Lambeth MS 444. Along with quite detailed technical descriptions of urine inspection are the outward indications of approaching death:²

Oculi concaui: tympora plana: frons arida et tensa: nares acute: Aures frigide et inuerse et contracte; et color liuidus aut viridis aut niger et consimilia.

These signs are taken, in the main, from accepted authorities like the *Prognostikon* of Hippocrates, which not only gives extended discussions but summarizes the symptoms in pithy aphorisms:³

Nose sharp, eyes hollow, temples sunken, ears cold and contracted with their lobes turned outwards, the skin about the face hard and tense and parched, the colour of the face as a whole being yellow or black.

¹ *Johannes de Mirfield*, edd. Sir Percival Horton-Smith Hartley and Harold Richard Aldridge (Cambridge, 1936), 43.

² *Ibid.*, 54.

³ *Hippocrates*, ed. W. H. S. Jones (Loeb Classics, London, 1923), II. 8-9 (inc. Greek). Cf. F. Saxl, "A Spiritual Encyclopedia of the Later Middle Ages," *Journal of Warburg and Courtauld Institutes*, 5 (1942), 141: "Haec sunt signa mortis inventa per Ipocratem." Arabic text in Helmut Ritter and Richard Walzer, "Arab Übersetzungen griechischer Ärzte in Stambuler Bibliotheken," *Sitzungsberichte der Preussischen Akademie der Wissenschaft* (1934), 807 ("De pustulis et apostematibus significantibus mortem.")

or like the *Flos Medicinæ Scholæ Salernis*:⁴

Algor in extremis et calor et sitis interiorum
His visis abeas: curamque geras aliorum.

or like Avicenna:⁵

De indicijis signorum malorum:

Scias quod signa mala que sunt in summo malitie indicant mortem. Quod si virtus fuerit fortis prolongatur egritudo, deinde interficit egrum et si fuerit debilis interficit absque, prolongatione.

or like Celsus, Paulus, Averrhoes, or Rhazes.

The *Flos Medicinæ Scholæ Salernis* has a notable passage listing many of the most important *indicia* of death, which was especially suited to mnemonic purposes, as it was in verse — it was not designed for physicians. It was incorporated, incidentally, into Mirfield's *Breviarium Bartholomei*:⁶

Hiis signis moriens certis dinoscitur eger:
Fronte rubet primo, pedibus frigescit ab imo,
Decidit et mentum nasus summotenus albet,
Petrescit venter leuus minuetur ocellus.
Excubeas patitur Iuuenis si nocte dieque
Sique senex dormit designat morte resolui.

Paul Meyer⁷ found this passage (which he did not identify) occurring separately in at least three manuscripts in British libraries; in one manuscript, Douce 210, it is followed by a French translation:⁸

Par ces signes se mustera li malade ki tost murra:
En mi le frunt enruvira, le quer del pé refreidera,
E le mentun decherra, le pinun des nés enblanchera,
E le ventre decrestera, le oil senestre enmenusera,
Si il est jofne mut veillera, e jur e nuit travaillera,
Si il est veuz tost dormira, ce signefie ke il murra.

The Middle English medical lists are somewhat fuller than this extract

⁴ S. de Renzi, *Collectio Salernitana* [*Storia Documentata della Scuola Medica in Salerno*] (Naples, 1857-1859), Tom. 5, 2098-2099; *Mirfield*, 66.

⁵ *Liber Canonis Totius Medicinæ* (Lyons, 1522), Lib. IV, Fen. 2, Tract. 1, cap. 26. The 1507 edition has been reprinted (Hildesheim, 1964).

⁶ *Mirfield*, 58; *Coll. Salernit.* I, 491, Tom. V, 2161-2169 (with two extra lines).

⁷ P. Meyer, "Mélanges de poésie anglo-normand," *Romania*, 4 (1875), 384. Slight variants in Latin (line 4, *Descrescit venter*) from *Mirfield*, in Douce 210, f. 51^v; Harley 978, f. 25^v; Lambeth 371, f. 2^v. It also occurs in *Corpus Camb.* 503, last leaf.

⁸ Other Signs of Death in French occur in thirteenth-century Br. Mus. Sloane 1977: A *savoir se malades vivra ou non et les signes de mort*. For Harley 978, f. 25^v, see H[enry] L[eigh] D[ouglas] Ward, *Catalogue of Romances in the Department of Manuscripts in the B.M.* (London, 1883), I, 407-415, II, 291-306.

from the *Schola Salerni*, however, and consist of those indications of death easily recognizable by laymen; consequently all the more technical items are omitted.⁹ No one particular Latin passage has all the vernacular prognostics, but they are all to be found, individually or in groups, in the traditional authorities (including the many versions of the *Schola*).¹⁰

Two identical Middle English lists from medical manuscripts have been published: one from the well-known Thornton MS, about 1400, in Lincoln Cathedral (A. 5. 2),¹¹ and the other from a manuscript once owned by Halliwell (MS 335).¹² When she published her *EETS* edition in 1938, Ogden was not aware that the Halliwell MS was actually Egerton 833, having been acquired by the British Museum a year before the publication of *Reliquiae Antiquae* (1841).

Egerton MS 833, a ledger book 280 mm. tall and 112 mm. wide, is a collection of English medical prescriptions.¹³ The first twenty-one folios are carefully written in a professional text hand of the second half of the fifteenth century.¹⁴ This part, which includes the Signs of Death, is preceded

⁹ For example, inspection of urine. For a short Latin tract, including color of urine as sign of death, see C[harles] H. Talbot, "A Mediaeval Physician's Vade Mecum," *Journal of History of Medicine and Allied Sciences*, 16 (1961), 225-226, from Dickson Wright MS, with list of other MSS.

¹⁰ Latin lists based on Hippocrates, e.g., "Quibus signis cognoscitur moriens," occur in MSS Rawl. C. 504 (SC 12352), f. 46^v (vv. 10); Trinity Camb. 1422, f. 108^r (vv. 9); Sloane 282, f. 72^v; Sloane 284, f. 72^v; Sloane 420, f. 58^v (vv. 21); Sloane 568, f. 217^r; Sloane 783, f. 156^v. Dr. C. H. Talbot adds to the list: Hunterian 323, f. 24^r and Hunterian 513, f. 107^r (with a late-fourteenth-century ME translation). For the first list cf. R. W. Hunt, "The Collections of a Monk of Bardney: A Dismembered Rawlinson Manuscript," *Medieval and Renaissance Studies*, 5 (1961), 28.

¹¹ Margaret Sinclair Ogden, ed., *Liber de Diversis Medicinis*, EETS O.S. 207 (London, 1938), 58, notes 107-108.

¹² Thomas Wright and J[ames] O[rchard] Halliwell, *Reliquiae Antiquae* (London, 1841), I, 54. Also noted in Fritz Heinrich, ed., *Ein mitttelenglisches Medizinbuch* (Halle, 1896).

¹³ Contents briefly noted in *List of Additions to the Manuscripts in the B. M. in the Years MDCCC-XXXVI-MDCCCLI* (London, 1843), 17. On f. 1 is an ink inscription, "Bibl. Hall. No. 335," and on the verso of the last leaf is written: "James Orchard Halliwell. Empt. Johnson Cambridge May 20th 1839." Dr. C. E. Wright kindly informs me that this MS was bought by the Museum from Thomas Rudd the bookseller on August 11, 1840, being one of a large batch bought on that day (Egerton 821-854). Dr. Wright further observes that this MS "appears not to have been one of the MSS stolen by Halliwell from Trinity College Cambridge, of which eleven were in this purchase." See D. A. Winstanley, "Halliwell Philipps and Trinity College Library," *The Library*, 5th Series, Vol. 2, No. 4 (March, 1948), 250-282. For other ledger books see my review of Rigg, *Glastonbury Miscellany*, forthcoming in *Anglia*.

¹⁴ Not fourteenth century, as Halliwell stated. A few pages may be missing, possibly between ff. 9 and 10 (though the present f. 3 is marked at bottom d iiii and f. 14 is marked xv), ff. 16 and 17, 17 and 18. Probable scribe's marks, very tiny and faded, at top of page on ff. 1^v-2^r, 2^v-3^r, 4^v-5^r, 7^r, 7^v-8^r, 9^v-10^r. Pen trials on f. 14^v. Bound with this is a second collection of medical receipts (ff. 22-39, continuous pagination, modern), later fifteenth century, in a cursive hand,

by typical short receipts, like: "ffor þe emeraude... ffor wartes... ffor hym þat may noght pysse [f. 2^v]; ffor hym þat pysses blode [f. 3^r]; ffor to draw oute a thorne... [f. 4^r]; ffor scaldyng of pyntell þat is called the ape... [f. 4^v]; ffor agnayles on mens fete... [f. 5^v]; ffor to sla þe ryngworme ... [f. 7^v]; ffor to delyuer a woman of dede childe... ffor þam þat purgis þam ouer mykel eftir childing... ffor to make a womans neke white and softe... [f. 10^r]."

Then directly follow [ff. 10^r-10^v] six methods "for to wete yf a seke man sal lyue or dy," most of them translated from the pseudo-Avicenna or Rhazes.¹⁵ The *Proprietates Mortis* come last:¹⁶

- [1] Take celydoyne *and* lay hit under his hede *and* yf he synge he sal dye *and* yf he grede he sal lyue
- [2] Or tak mugworte *and* lay undir his hede *and* if he slepe he sal lefe *and* yf he wake he sal dye
- [3] Another take þe sekeman pisse *and* late a woman mylke þat has a knaue childe *and* yf þe mylk fal to þe grunde he sal dye *and* yf hit flete he sal leue
- [4] Another take þe larde of a swyne flyk *and* enoynt þe mans fete under þar-with *and* eff cast hit to a hounde *and* yf he ete hit he sal lefe *and* yf he ete hit noght þe man sal dye
- [5] Another take his pysse *and* meng hit *with* woman mylk þat has a knaue childe yf þay ga to-gider he sal leue *and* if þay parte he sal dye
- [6] Another
Qwen his broues hildes doune
þe lefte eigh ys mare þan þe ryght ye
[þe] neyse ende waxes sharp
his eres waxes calde

neatly written. On f. 34^v is a prose receipt, "to wete yf man schal lyue or dey þat ys wondyd," similar to that in Thornton MS (Cf. *EETS* O.S. 207, 59). In both parts, pages vellum, somewhat rough, possibly reused (outside margins perforated).

¹⁵ Second, fourth, and fifth receipts as in *Mirfield*, 67. For some similar methods in Latin see Karl Sudhoff, "Vier Niederlassungsankündigungen von Ärzten aus dem 15. Jahrhundert," *Archiv für Geschichte der Medizin*, 6 (1913), 312; also C[harles] H. Talbot, "The *Accumulationes Receptarum* of Joannes Piscis," *Bulletin of the History of Medicine*, 34 (1960), 135 (lard and nettles, cf. fn. 19).

¹⁶ Immediately following is a receipt "ffor the feuer cotidiane," then the well-known "Flum Jordan" charm to staunch blood, written as prose:

Iesu þat was in bedlem born
baptysud was in flum iordan
and stynte þe water vppon a stone
stynte þe blode of þis man N þy seruant
þrow þe vertu of þy holy name + Iesu
and of thy cosyn swete seynt Iohn
and seþ þis charme v tymes with a pater noster in þe worship of þe v wondes of crist

For further MSS see Rossell Hope Robbins and John L. Cutler, *Supplement to the Index of Middle English Verse* (Lexington, Ky., 1965), No. 624 (13 MSS in all).

his eighen waxes holle
 þe chyn falles
 his eighen and his mouth es opon when he slepes bot he be wont þar-to
 his ere-lappes waxes lethy
 his fete waxes calde
 his wambe falles away
 if he pulle þe straes or the clathes
 if he pyke at his neyse-thrilles
 his forhede waxes rede
 yonge man ay wakang alde man ay slepand¹⁷
 his twa membris waxes calde agayne kynde and hydes þam
 if he rutills
 þis er the takenynges of dethe for-sothe witte þu wele he sal noght leue thre
 dayes

An earlier unpublished text occurs in the very late fourteenth-century MS Royal 17. A. viii, a tiny vellum book about 102 mm by 127 mm., a collection of Middle English medical receipts. On ff. 60^v-61^r are four sets of "Takenynges yif a man sall leue or deyghe," the first being the *Proprietates Mortis*, followed by the third and fourth methods¹⁸ of the Egerton MS, and finally a fragment supplementing the *Proprietates*:

Gif his foreheued bycomes rede
 and his browes falles down
 and þe left eigne bycomes litell
 and þe chyn falles down
 and þe yung man wakes mikle amd þe ald man slapes mykle

The two lists repeat the sixteen signs of the Thornton-Egerton texts (with two exceptions: young man waking and members waxing cold), but vary the order:

Gif þe seke man turne hym euer to þe waghe
 Gif þe nese bycomes scharp
 Gif þe ere bycomes lappes lepie [*sic*]
 gif þe eighen bycomes hollis
 Gif his eres bene cold
 gif his mouthe es open qwen he slapes bot he be wonyd þar-to
 Gif his wambe falles
 Gif he put his fengres in his guast and friges vp and down and mayse na brightnes
 Gif he pulles þe straes or his clothes
 Gif men may bryng no warmyng on his fete
 Gif he pikes off his nese-thirles wyth his fyngres

¹⁷ For an expansion of this line, cf. *Pricke of Conscience*, below, n. 32.

¹⁸ Royal 17. A. viii, f. 60^v: Tak þe sekeman pisse and lat a woman milk þar-on and if þe milk fall to þe ground he sall dye and yf he flete abouen he sall leue Another Tak lard and anoynt þe mannes fete vnder-neth and cast to þe hunde and if þe hunde ete it þat is takenyng of lyfe and if he will noght ete it þat es takenyng of dede.

Gif þe vthergaunt of his left ere rynnes
 and he rutles
 for-sothe witt yow þat he ne leues noht ouer thre days

Continued search among Middle English medical manuscripts may uncover further texts of the *Proprietates Mortis* catalogues. Other "tokenings" (like the urine and lard tests), however, are quite common, and their similarity suggests that small manuscripts containing simple medical lore and folklore were produced commercially for general sales. The receipts follow a set pattern, and often the same order. A typical handbook of medical receipts is BM Addit. MS 33996, used by Heinrich for his *Medizinbuch*. It contains a paragraph "Ad cognoscendum vtrum infirmatus viuet vel non," with three methods. The first:¹⁹

Take þe vrine of þe seek, and caste hit on þe rede netle, at euen, while hit is warm, anoon as he pyssep, and come azeyn in to þe morewnyge, and zef þe netle be ded, hit is a sygne of deep, and zef þe netle be alyue, hit is a sygne of lyf.

The second method is the urine-milk test, and the third a magical test, using the herb vervain and a conjuration patterned on curative charms invoking the Five Wounds. These methods are duplicated (as Heinrich noted) in MSS Harley 1600, Royal 17. A. iii, Sloane 405, Sloane 3153, and BM Addit. 19674.²⁰

Various clusters of Middle English death prognostics (generally including the urine-milk and the red nettle tests, methods advocated by doctors like Gilbertus Anglicus and John of Gaddesden) occur in a number of other similar medical collections in Middle English. I have found them in MSS Cotton Galba E. iv, f. 86v, Egerton 848, Harley 1602, f. 22r, Sloane 120, f. 64v, Sloane 374, f. 47r, Sloane 468, Sloane 1314, f. 24v, BM Addit.

¹⁹ Heinrich, 137-138. Cf. also "Ad sciendum vtrum homo morietur etc.," 81; "Ad sciendum vtrum vulneratus viuet," 228; "Pronosticacio vtrum viuet vel non vulneratus," 231. Cf. fn. 15, above. *A Leechbook of the Fifteenth Century*, ed. Warren R. Dawson (London, 1934) contains no Signs of Death. This article is not concerned with the Sphere of Apuleius, a method to prognosticate life or death by calculations based on arbitrary numerical values of the letters in the patient's name and on the date of the onset of his sickness, found in many MSS, in ME as well as in Latin, e.g., Bodley 579; Ashmole 340 (v), f. 108v; Arundel 251, f. 46r; Cotton Calig. A. xv, f. 125v; Harley 1735, f. 36r; Sloane 3160, f. 172v; Durham Univ. Cosin V. v. 9, f. iiiv. It is less common in the lay medical collections. See Charles Singer, *From Magic to Science* (New York, 1928), 131, 146; Henry E. Sigerist, "The Sphere of Life and Death in Early Medieval MSS," *Bulletin of the History of Medicine*, 11 (1942), 292; J. H. G. Grattan and Charles Singer, *Anglo-Saxon Magic and Medicine* (London, 1953), 40-42.

²⁰ Mistakenly cited by Heinrich, 9, as "Roy."

33972, BM Addit. 34210, Hunterian 513.²¹ A few have been printed: Stockholm Med. Misc. XIV, BM Addit. 33996, and Henslow.²²

With the Christian focus on life as preparation for holy dying, it was inevitable that moralists seize on signs of dying and treat them as signs warning to repentance, a last-minute appeal in fact to the dying sinner.

In the Anglo-Saxon homilies, the signs are restricted to old age and are not strictly *Proprietates Mortis*. In the Homily for the Second Sunday after Advent, the world is likened to a senescent man:²³

witodlice on ealdlicum gearum bið þæs mannes waestm gebiged, his swura aslacod, his neb gerifod, and his lima ealle gewaechte; his breost bið mid sicitungum geðread, and betwux wordum his orðung ateorað.

In one of Wulfstan's homilies (No. 30) is another account of signs of old age:²⁴

him amolsniað and adimmiað þa eagan, þe aer waeron beorhte and gleawe on gesihðe; and seo tunge awistlað, þe aer heafde getinge spraece and gerade; and ða earan aslawiað, þa-þe aer waeron ful swifte and hraede to gehyrenne faegere dreamas and sangas; and þe handa awindað, þa-ðe aer haefdon ful hwaete fingras; and þæt feax afealleð, þe aer waes faeger on hiwe and on fulre waestme; and þa teð ageolwiað, þa-ðe waeron aer hwite on hiwe; and þæt oreð stincð and afulað, þe aer weas swete on stence.

²¹ E.g., Harley 1602, f. 22r-22v (cf. Heinrich, 136, 228, 231): To wyte If a man may lyf Tak þe lytell dasy and handfull of bugill and temper it wyth wyne and do hym drynke yt and if he cast he scall dye Item Tak a handfull of strebrey wyse and a handfull of rede cale a handfull of bugill fyue plantes of auence iij plantes of herbe Rob[er]t and iiij leues of tansay iij leues of rede nettyll iij brere croppes and take a lytell rote of comferi and rotes of mader and a lytell hemp croppes and iij plantes of orpyn and drynke Celydone [?] for þe same kny Item take mowsere and gyf hym to drynke iij tymes and yf he hald he schall warys and he hafe gode leches and i[f] he cast it he is in gret paryll Item tak cyrfoll and gyf hym at drynke. Sloane 374, f. 37r: ffor to wete whether a man schal lyue or deye that ys syke and ys nouȝt wounded Take the vryne of the syke and caste hit on the reed netle at euen while hit ys warm a-non as he hath pissed and come a-gayn in the mornyng and ȝyf the netle be ded he ys feye and ȝyf hit be nouȝt ded hit ys a signe of lyf Also take the vryne of the syke and do hit in a vessel and take woman milk of a knaue child and dropped there on and ȝyf hit medle togidere he schal lyue and ȝyf hit lete a-boue he nys but ded sycurly.

²² Stockholm text by Gottfried Müller, *Aus Mittelenglischen Medizintexten*, Kölner Anglistische Arbeiten 10 (Leipzig, 1929), 75; Addit. by Heinrich, 135 (and also 81, 228, 231); Henslow by G. Henslow, *Medical Works of the Fourteenth Century* (London, 1899), 25.

²³ Benjamin Thorpe, ed., *The Homilies of the Anglo-Saxon Church* (London, 1844), I, 614. In Anglo-Saxon medical MSS, the signs are for a specific serious illness, rather than generalized *Proprietates Mortis*; cf. T. Oswald Cockayne, *Leechdoms, Wortcunning, and Starcraft of Early England*, Rolls Series 35 (London, 1864-1866), ii. 258-261.

²⁴ Arthur Napier, ed., *Sammlung der ihm zugeschriebenen Homilien* (Berlin, 1883), 147-148. Cf. M. Förster, ed., *Vercelli Homilies* (No. 9) in *Festschrift für Lorenz Morsbach* (Halle, 1913), 107.

This native Christian tradition was strengthened from the twelfth century on, when the first Middle English Signs of Death start to appear, by the rising interest in the sapiential books.²⁵ The tropological glossing of Ecclesiastes 12 helped define the Signs of Old Age and in turn the Signs of Death, emphasizing the need for repentance before death. This conjunction is seen in the independently circulating *Fasciculus Morum* texts (No. 7, below) and in the Bodley variant of No. 4:

sone þe shal rewe
 olde synnes *and* newe
 þat þou noldest wepen
 and þi synnes leten

A few glosses spelled out the physical indications of senescence: "Florebit amigdalus: id est, caput canescet. Impinguabitur locusta: id est, venter intumescet humoribus indigestis."²⁶ A similar standard interpretation occurs in Hugh of S. Cher: "Et otiosae erunt molentes, id est, dentes molares, quibus cibus molitur, ab officio suo cessabunt in morte vel in senio, vel in captivitate inopia victualium."²⁷

In Middle English religious manuscripts over a dozen metrical catalogues list the Signs of Death. These draw both on the medical traditions and the patristic tradition of *Memento Mori*. A short catalogue ascribed to S. Jerome circulated widely in the *Fasciculus Morum*, the fourteenth-century manual for Franciscan preachers:²⁸

quando nasus frigescit
 facies pallescit
 oculi tenebrescunt
 aures surdescunt
 nerui et vene rumpuntur
 cor in duas partes diuiditur

In his genuine writings S. Jerome refers to the approach of death only glancingly and poetically. Dissuading a widow, Furia, from remarrying, he described how "Iam incanuit caput, tremunt genua, dentes cadunt; et fronte ob senium rugis arata, vicina est mors in foribus; designatur rogos prope."²⁹ Elsewhere in other epistles³⁰ S. Jerome warns of the ap-

²⁵ Cf. Beryl Smalley, "Some Thirteenth Century Commentaries on the Sapiential Books," *Dominican Studies*, 2 (1949), 318-355, 3 (1950), 41-77, 236-274; "Some Commentaries on the Sapiential Books of the Late Twelfth and Early Fourteenth Centuries," *Archives d'Histoire doctrinale et littéraire du Moyen Age*, 18 (1950), 103-128.

²⁶ *Biblia Sacra, cum glosa ordinaria et expositione lyre litterali et morali* (Lyons, 1520), f. 354r.

²⁷ *Opera Omnia* (Venice, 1732), III, f. 103v.

²⁸ Carleton Brown, ed., *English Lyrics of the XIII Century* (Oxford, 1932), 220.

²⁹ Epistola 54, *Ad Furiam, De Viduitate Servanda*, PL 22, 557.

³⁰ Epistola 60 *Ad Heliodorum*; Epistola 108, *Ad Eustochium Virginem*, PL 22, 590, 904.

proach of death: "Stupet animus, manus tremit, caligant oculi, lingua balbutit," or "frigente alia parte corporis adque membrorum." Echoes are heard in a few Middle English religious texts: the hands quake (Nos. 2, 9, 10), the eyes become misty (Nos. 1, 2, and 5 in Tanner MS only), the tongue stammers (No. 9).

A much longer catalogue is found in the seminal pseudo-Cyprian, *De Duodecim Abusivis Saeculi* (ca. 630), where it is linked to the Evils of the Age formula (*sine religione senex*):³¹

Dum oculi caligant, auris graviter audit, capilli fluunt, facies in pallorem mutatur, dentes lassi numero minuuntur, cutis arescit, flatus non suaviter olet, pectus suffocatur, tussis cachinnat, genua trepidant, talos et pedes tumor inflat, etiam homo interior qui non senescit his omnibus aggravatur, et haec omnia ruituram iam iamque domum corporis cito pronuntiant. Quid ergo superest, nisi ut, dum huius vitae defectus appropriat, nihil aliud cogitare quam quomodo futurae habitus prospere comprehendatur quisque senex appetat? Iuvenibus enim incertus huius vitae terminus instat, senibus vero cunctis maturus ex hac luce exitus breviter concordat.

In all the Middle English catalogues, both medical and religious, there are some thirty-five distinct indications of the failure of various parts of the body (or their attributes: voice, mind, strength); many of these signs, however, exist in but a single text. The longest individual list comprises sixteen signs in the Thornton-Egerton medical texts; the shortest, four signs (none medical) in a preacher's notebook (No. 7). The religious-directed lists borrow some characteristics from the medical — the eyes hollow (No. 5), the nose sharpens (Nos. 1, 5, 9, 10), the feet colden (Nos. 1, 2, 8, 9, 10), or the man rattles (Nos. 5, 8, 9, 10), or pulls the clothes (No. 3 in Lincoln Cath. MS). No one sign of death consistently appears throughout all the texts. In the religious texts what seem obvious indications are omitted; no mention is made of the medical indications of the ears growing cold or the dying man picking his nose. On the other hand, the religious texts include some signs, apparently derived from pseudo-Cyprian, not found in the medical manuscripts, just as obvious to a layman: the face whitens (*facies in pallorem mutatur*), the breast heaves (*pectus suffocatur*), or the body quakes (*cf. genua trepidant*).

Because of its design as an encyclopedic reference work, the *Pricke of Conscience* signs are as much medical as religious; seven of its eight indications (No. 6) come from vernacular medical texts, and the eighth

³¹ Siegmund Hellman, ed., *Pseudo-Cyprianus: De XII Abusivis Saeculi*, in *Texte und Untersuchungen zur Geschichte des altchristlichen Literatur*, edd. Adolf Harnack and Carl Schmidt (Leipzig, 1910), Vol. 3, no 4, 34-35.

("his pouce sall stynt þan of stirryng,") unique in any Middle English list, from the Latin *Schola Salerni*.³²

The Middle English semi-metrical aphoristic Signs of Death appearing in non-medical and generally religious manuscripts, some printed in Carleton Brown's *English Lyrics of the Thirteenth Century* and in Henry Person's *Cambridge Middle English Lyrics*,³³ are as follows:

(1) The earliest version, in the Address of the Soul to the Body in the twelfth-century Worcester Cathedral fragment,³⁴ lists eight signs, including "scerpeþ þe neose," and "him coldeþ his [? fet]," two expressions originally medical which continued in religious texts as late as the sixteenth century.

(2) A major exemplar (printed by Brown) occurs in a thirteenth-century composite poem (written as prose) in Trinity College Cambridge MS 43.³⁵ The first twelve lines give the *Proprietates Mortis* (twelve of them). Here the "nose koldet" and the "ffet stiuen," while the "lippes blaken" (instead of shrinking, as they do in the Worcester fragment).

(3) A tag³⁶ apparently unrelated to the other Signs of Death, in the Dominican MS Trinity College Cambridge 323 (1250-1275), translates six preceding lines in Latin ("Oculi cum occultentur/atque aures obsturentur, etc."):

Wenne þin eyen beit ihut
 ant þin heren beoit idut
 ant list i-grauen vndeir molde
 þu maitt i-finden feole vnhulde
 þat wilit striuen afeir þine seluere ant þine golde
 Ant little þad wilit to þine soule ben holde

(4) In the Franciscan MS Jesus College Oxford 29 (ca. 1275) is a shorte-

³² Richard Morris, *The Pricke of Conscience* (Berlin, 1863), 23 (line 822).

³³ Henry A. Person, ed. (Seattle, rev. ed., 1962). Brief mention in John Edwin Wells, *A Manual of the Writings in Middle English, 1050-1400* (New Haven, 1916-1941), 287-288, 976-977, 1458.

³⁴ Carleton Brown and Rossell Hope Robbins, *The Index of Middle English Verse* (New York, 1943), No. *47; *Supplement*, No. 2684.5. Worcester Cath. F. 174 (f), printed *inter alia* by R. Buchholz, *Die Fragmente der Reden der Seele*, Erlanger Beiträge, 6. The relevant lines (Frag. A, 17-21) are also pr. Brown, *Eng. Lyr. XIII C.*, 221.

³⁵ *Index*, No. 3998. Immediately following the *Proprietates Mortis*, vv. 13-14 = *Supplement*, No. 228.5 (2 MSS; also added to *Index*, No. 4045); vv. 15-20 = *Index*, No. 1422 (2 MSS; pr. Brown, *Eng. Lyr. XIII C.*, 19-20) and *Supplement*, No. 4129 (10 MSS, including Harrowby Horae; pr. Brown, *ibid.*, 173-174; and cf. Douglas Gray, *N & Q*, n.s. 8, 135, for use as tombstone remembrance); vv. 21-22 = *Supplement*, No. 853.8 (Brinton's sermon, pr. *Camden Soc.*, 3 s., 86, 337, 402) and No. 4040.6 (one MS, pr. G. R. Owst, *Literature and Pulpit in Medieval England* [Cambridge, 1933], 43). Complete poem pr. Brown, *ibid.*, 130; Montague Rhodes James, *The Western Manuscripts in the Library of Trinity College Cambridge* (Cambridge, 1900), I, 59.

³⁶ *Index*, No. 4046. 4; pr. James, *Cat.*, I, 442; Person, *op. cit.*, 21.

ned list,³⁷ copying the Trinity MS 43 phrases of “neose coldeþ/and þi tunge voldeþ.” A variant occurs about a century later in Bodley MS 416 (which in one phrase, “trokeþ þi breþ,” may hark back to the Worcester fragment, “trukeþ his iwit”).

(5) The version in the *Fasciculus Morum* (1313-1317), included in at least seven of its known thirty manuscripts,³⁸ gives eight indications, as in this unpublished fifteenth-century text from Caius College Cambridge MS 71:

Wen þi hede quakyth
and þi lyppes blaketh
and þi nose scharpyth
and þi senwes staryth
and þi brest panyth
and þi breth wantyth
and þi teth ratelet
and þi trote rotolyth
and þi soule is went out
þi body nath bot a clout

³⁷ *Index*, No. 4047; both pr. Brown, *ibid.*, 221.

³⁸ *Index*, No. 4035. Seven MSS: Laud misc. 213 (SC 1045), f. 183^v; Bodley 187 (SC 2090), f. 208^r; Bodley 410 (SC 2305), f. 91^r; Rawl. C. 670 (SC 12514), f. 148^v; Caius Camb. 71, f. 91^v; Lincoln Cath. A. 2. 13, f. 227^v; Worcester Cath. F. 19, f. 228^r. This text is *not* in the following MSS: Laud misc. 568 (SC 1117), Laud misc. 111 (SC 1550), Bodley 687 (SC 2501), Corpus Oxf. 218, Caius Camb. 364, St John's Camb. 159, Edinburgh Univ. 82, Eton Coll. 34, Worcester Cath. Q. 3. One MS (not identified, but Rawl. C. 670, f. 148^v) pr. by Brown, *Eng. Lyr. XIII C.*, 222. The Caius text adds an extra couplet after line 10, as do Laud misc. (*and aftyr be it in a pyt / and with erth fast y dyte*), Bodley 187 (*and a noyn after buryed in a put / and with erthe faste ys det*), and Bodley 410 (*and after be hyt in þe pyte / and with erthe fast ydit*). For the *Fasciculus Morum* see A. G. Little, *Studies in English Franciscan History* (Manchester, 1917), 138-157. Prof. Siegfried Wenzel (North Carolina) reports he has now taken over the editing of the *FM* from Prof. Frances Foster. Rosemary Woolf, *The English Religious Lyric in the Middle Ages* (Oxford, 1968), 81, footnote 1, states: “The entry at *Index* 4035 is therefore misleading.” I fail to see why. There are about thirty-one MSS of the *Fasciculus Morum*; not every MS contains all the fifty-one English tags enumerated by Frances Foster; in fact, some MSS contain only a few. On a cursory inspection — and it is easy to overlook a line or two of English embedded in the Latin — I find: Eton College 34 has only *Index*, Nos. 1003, 1935; Bodley 687 (SC 2501), *Index*, No. 1003; Corpus Christi Oxf. 218, *Index*, Nos. 3275, 3282; Camb. Univ. Dd. x. 15, *Index*, No. 2190, the only ME tag in the entire text and one not found in any other MS of the *FM*. The Würzburg MS was copied by a German friar and has German equivalents for the English tags in the margin. As I indicated in the *Index*, the four Bodleian MSS (collated here) contain *Index*, No. 4035. On the other hand, this tag had an existence separate from the *FM*, and is listed as MSS 8-14. The *Supplement* gives a further text in Longleat 29, f. 3^r, and a variant in Egerton 833, f. 10^v, which in fact is more prose than verse. All the *FM* tags in Caius 71 and Caius 364 (not a complete set) were included in my Cambridge diss. (1937), “On the Middle English Religious Lyric”, II, 603-617.

and after be it doun i-pyth
 and wyth 3erth fast cluth
 sone so it be in erthe i-loken
 þe soule al clene is for-3eten

Independently the text³⁹ occurs in eight other manuscripts (curiously, all omit "þi teth ratelet," and therefore list only seven signs). In these manuscripts, Latin rubrics are added to each of the signs, thereby equating each sign of death with an act of religious faith. This is the most advanced example of doctrinal use of originally medical *indicia*. Here is a hitherto unpublished version, added on f. 3^r to a large early-fifteenth-century collection of mystical verse and prose in Longleat MS 29:

When þi hede quakes	Memento
And þi lippis Blakes	Confessio
When þi brest pantes	Contricio
When þy wynde wantes	Satisfaccio
When þi lymys ryveleth	libera me domine
When þi nose keleþ	þen miserere
When þyn eyzen holeweth	Nosce te ipsum
ffor þan deth foleweth	veni ad Iudicium

The other three unpublished independent texts show only slight variations.⁴⁰

(6) By far the most widely-circulated version of the Signs of Death is that in the mid-fourteenth-century *Pricke of Conscience*, which is found in 116 MSS. In a lengthy section in Book I, first discussed are the "pro-

³⁹ Separately in Camb. Un. Ff. 5. 48, f. 43^v (1450-1500); Camb. Un. Ee. 4. 35, Part I, f. 24^r (early-sixteenth century); Trinity Camb. 1157, f. 72^v (sixteenth century); all three texts pr. Person, *op. cit.*, 19-20. Other texts in Royal 8. C. xii, f. i^v, flyleaf (early fifteenth century); Tanner 407 (SC 10234), f. 35^v (end fifteenth century); Sloane 744, f. 49^v (early sixteenth century); Queens' Camb. 13, f. 64^r, flyleaf (early sixteenth century). Montague Rhodes James, *A Descriptive Catalogue of the Western Manuscripts in... Queens' College Cambridge* (Cambridge, 1905), 15-16, slight variants:

When thy hede quakyth Memento
 Then [*sic*] thy lippys blakyth Confessio
 When thy noose sharpyth Contricio
 Then thy lymmys starkyth Satisfaccio
 When thy Brest pantyth Nosce teipsum
 Than [*sic*] thy wynde wantyth Miserere
 When thy nyen hollyth libera me domine
 Then deth folowyth Veni ad Iudicium

⁴⁰ Royal: 3 When þi brest ponges; 5 When þi lymmys foldes. Tanner: order of lines changed (Latin tags as in Longleat), 1, 2, 6, 5, 3, 4, 7, 8; 5 Whan þi lymmys starkyt; 6 Whan þi nose scharpyth; 7 Whan þi eyne fylmyn. Sloane: 1 Whan thy hede akes; 3 *omits*; 5 And thy lemes vwnwyld ben; 6 And thy nose waxis colder dominus miserere.

perthes of eld" (including psychological changes, like "he is... ofte angerd, and ay pleyndand"): ⁴¹

Bot sone whenne mon waxeth olde...
His nese dropputh, his breth stynketh,
His syzt dymmeth, he waxeth loth,
His bake crokeþ, stoupyng he goth.

The properties of death follow logically and then, again logically, directions how to tell whether an old man (or a young man) will recover from sickness. An unpublished variant text in Trinity College Dublin MS 157 [D. 4. 11] gives these *Proprietates Mortis*: ⁴²

The laste end of þis lyffe is harde
When men drawes to dede warde
fful lawe þan in his bed he lyse
With mekill reuthe he may noght ryse
þan is ilk man vn-certayne
Whethir he sall dye or turne agayne
And somme can se by takyns sere
Whethir he sall lyffe or dye be nere
If þat he to deede sall
þan begynnes his fronte to fall
His lefte eghe semys lesse
And narrower þan þe tothir esse
His nese poynt sall be nere paste
And his chynne sall fall right faste
His pounce sall stynt þan of stirryng
His feete sall kele his wombe sall clyng
If doutes of deede a zonge man kepe
He feeles so sare he may noght slepe
And if þat payne ane alde man take
He slepes ay he may noght wake
All þir takenes oppenly
Er on a man when he sall dy

Thereafter the poem turns to contemplation on the rotting corpse gnawed by worms, "swa ugly to syght... swa grysly a sight/Saw he never nane," and on the transitoriness of human life.

(7) A hitherto unpublished text is found in two manuscripts, both compiled for the use of preachers, a fact again emphasizing the religious character of the signs. One version (Advocates MS 18. 7. 21) occurs among many verse tags on the ephemeral nature of man, copied in several

⁴¹ Text from Trinity Oxf. 16A and Harley 4096, lines 766, 775-7, pr. Rolf Kaiser, *Medieval English* (Berlin, 3rd. ed., 1958), 236-237.

⁴² Early fifteenth century, f. 5^e, corresponding to lines 806-829 in Morris.

pages of notes for sermons, headed "*De Morte*," by the Franciscan friar John de Grimestone, who died in 1372:⁴³

Homo in fine
his colour blaket
his mirthe slaket
His heued aket
His bodi quaket
Et quid plus certe
Ich man þat him biholde
Wolden is feet wor colde

The other version occurs as an English tag (f. 48^r) in a fifteenth-century Latin sermon in Hereford Cathedral MS O. iii. 5; its relation to the general context and to adjoining English tags places it firmly in the moralizing tradition of regret for a wasted life.

Sic inicum sue vite est speculum meroris. Si iterum respicias ad senectutem suam, tunc scire poteris quod est speculum meroris, quia ecce tot infortunia ipsum sequitur

his myrth is slaket
His colour blaket
His hed aketh
His body quaketh

Et quid plus vere

eueri monne þat hethen leth
wald þat his fete were colde

Si respicis quid sit post mortem pro certo tunc scire potes quod est speculum meroris nam de hominibus mortuis sic solet dici

When þou lyes vnder þe ston⁴⁴
And þi flesche is turned to non
Qwhen þi here is waxin grene
Of þi fairnes is noȝt syn
Qwha so wold þan to þe [—] go
He myght telle of soro and wo

Et sic homo in omni tempore suo nihil aliud est quam speculum meroris.

⁴³ *Index*, No. 1220. For John de Grimestone see Carleton Brown, ed., *Religious Lyrics of the XIV Century* (Oxford, 2nd ed., 1952), xvi-xix, 69-92; G. R. Owst, *Preaching in Medieval England* (Cambridge, 1926), 272-273. An edition has been promised by Miss Jane Curry (Stanford, diss.). On f. 87^r, headed "*De Morte*," are nine other short tags on death; *Index* and *Supplement*, Nos. 2083, 3079.3, 2066.8, 230.5, 3100.5, 3078.5, 1210.5, 825.8, 703, and a mono-riming quatrain, "Wat so þou art gost here be me," pr. Owst, *Preaching*, 344.

⁴⁴ *Supplement*, No. 4049.7.

(8) One of the three texts in the late-fourteenth-century collection of preachers' tags, Harley MS 7322, f. 7^v, gives seven signs.⁴⁵

(9) A second text in Harley MS 7322, f. 121^r, gives twelve signs.⁴⁶

(10) A third text in Harley MS 7322, f. 169^v, also gives twelve signs.⁴⁷

(11) A short four-sign item⁴⁸ occurs in the fifteenth-century Arundel MS 507, a collection of mystical prose and verse, including Rolle and Hilton, in Latin, French, and English. This text is followed immediately by a six-line tag (also found inserted in the *Ancren Riwe*) admonishing "of domysday haue þou oft in mode."

(12) A newly-discovered early-fifteenth-century text, printed herewith, in Trinity College Dublin MS 312, f. 152^r:⁴⁹

Wen þe nese blakes
and þe lippe quakes
and þe þrote rotels
And þe chin scharpes
and þe eghen ouer castes
And þe sines starkes
And þe hert to-brestes
he þat bi-for was proud
He sal haue bout a cloute

(13) Taking three random samples of fifteenth-century preachers (Bromyard, Wimbeldon, and Myrc), Owst notes how "all tell eloquently of the wrinkled face, the hoar head... the bent back, the failing sight, hearing, limbs, the livid nose and nails, the evil breath, the hollow eye." As an example, Owst prints from a prose sermon in Lincoln Cathedral MS A. 6. 2:⁵⁰

⁴⁵ *Index*, No. 4033; pr. Furnivall, *EETS* O.S. 15, orig. ed., 220-221, rev. ed. 249-250. J. A. Herbert, *Catalogue of Romances* (London, 1910), III. 160: "evidently intended for the use of preachers."

⁴⁶ *Index*, No. 187; pr. *Rel. Ant.*, I, 64-65; Furnivall, *EETS* O.S. 15, orig. ed., 214, rev. ed., 253.

⁴⁷ *Index*, No. 4045. After the 12 Signs is added *Supplement*, No. 228.5; pr. Furnivall, *EETS* O.S. 15, orig. ed. (only), 221.

⁴⁸ *Index*, No. 4031; pr. C. Horstmann, ed., *Yorkshire Writers* (London, 1895), I, 156. For dialect, cf. *Essays and Studies in English and Comp. Lit.*, Univ. of Michigan, 13 (1935), 52. Followed by *Index*, No. 3567.

⁴⁹ *Supplement*, No. 4036.5. The English, written as prose, occurs on a neatly-written page of miscellaneous Latin rubrics, prayers and hymns (including three prayers at mass of S. Thomas of Canterbury).

⁵⁰ Owst, *Preaching*, 342; text, 342, fn. 5. Another similar passage from the same MS is printed by Owst, *Lit. and Pulpit*, 534. In her notes on scientific MSS deposited in the Students' Room

ffor then is chaungyng of chere; for he that was be fore full roddy *and* wel colowrde

then becommythe he all pale.

then the yeen wynkythe,

the mowthe frowythe

the tethe gryndythe,

and the hed schakythe,

and the armys spredithe abrode,

the hondy[s] pullythe *and* pluckythe,

the feete rubbythe,

the herte syzhethe,

the voyce gronythe *and* grunithe

and thus all the lymmys of the body schewythe the grete sorowze of his departyng.

Detailed inspection of the hundreds of Middle English sermon manuscripts (as with the medical manuscripts) would no doubt turn up other texts.

The two traditions in Middle English, the medical and the religious, are reasonably well-defined, if only because of the mutual exclusiveness of the manuscripts in which they are found.⁵¹ Yet the problem still remains of possible *specific* Latin originals of the English lists. Scholars conducting research among manuscripts should especially be on the lookout for any relevant material. The nineteenth-century editor of the Signs of Death, Paul Meyer, admitted: "J'ai souvenir d'avoir rencontré ailleurs encore ces vers latins et français, qui ont dû être copiés, mais je n'en ai pris toujours note."⁵² "Had I wist" even today has a modern ring!

By the fifteenth century, the *Proprietates Mortis* in religious usage had removed most of the medical overtones (in Owst's Lincoln sermon only "the hondys pullythe and pluckythe" derives from a medical source).⁵³ The original distinction between signs of senility and signs of death was blurred, and the listing of the properties produced what might be considered a set character piece of the seventh age of man. The catalogue had become a *topos*⁵⁴ and was all set to be taken up into secular literature, and be

at the B.M., Dorothea Waley Singer refers to Balliol Oxf. 230, f. 205^r; also to Trinity Camb. 922 (Hippocrates: Of life and death). For a caution against exploitation of the Singer notes, see my "A note on the Singer Survey," *Chaucer Quarterly*, 4 (1969).

⁵¹ There is a similar distinction between medical and secular versions of the Lucky and Unlucky Days.

⁵² Meyer, *Romania*, 4, 384. Johan Vising, *Anglo-Norman Language and Literature* (London, 1923), does not list the items printed by Meyer. No Signs of Death noted by Dominica M. Legge, *Anglo-Norman Literature and its Backgrounds* (Oxford, 1963).

⁵³ de Rienzi, *Coll. Salernit.*, 5. 2119: Si manus hic aut hic quasi carpens deiciatur.

⁵⁴ Cf. Italo Siciliano, *Villon et les thèmes poétiques du moyen âge* (Paris, 1934), 236-237.

immortalized in Mistress Quickly's description of the death of Falstaff in *Henry V* (II. iii), with his hands fumbling the sheets, his nose sharp as a pen, and his feet cold as any stone, and faintly echoed in *Wuthering Heights* (chapter 12) in Mrs. Linton's — just before her death — "pulling the feathers from the rents she had just made" (in her pillow).⁵⁵

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⁵⁵ For friendly response to my queries, I am grateful to the following scholars: Judson Allen, Val M. Bonnell, Laurel Braswell, A. I. Doyle, A. C. Higgins, Sister Mary Margaret Jennings, W. O'Sullivan, C. H. Talbot, Siegfried Wenzel, C. E. Wright. Responsibility for errors is mine. I am also indebted to the librarians for facilitating my examination of MSS and to the owners, or governing bodies for permission to print these texts: British Museum, Caius College Cambridge, Hereford Cathedral, Longleat Library (Marquess of Bath), National Library of Scotland, Trinity College Dublin. Rosemary Woolf, *The English Religious Lyric* (Oxford, 1968), appeared after this paper was written; discussion of Signs of Death, 78-82, 330-332. Woolf gives some extensions of the catalogue in lyrics, which probably relate to the *Proprietates Mortis* tradition. See *Speculum*, 45 (1970) for my forthcoming review of Woolf.

“The Sayings of Saint Bernard” from MS Bodleian Additional E 6

JOSEPH B. MONDA

THERE exist six known versions of the thirteenth century Middle English poem known to modern readers as “The Sayings of Saint Bernard.”¹ The poem gets its name from the Old French sentence which introduces the text as found in MS Digby 86 (MS Bodl. 1687): “Les diz de seint bernard comencent Ici tres beaus”; but it is best known today for its frequently anthologized “ubi sunt” stanzas which begin, in the Digby MS, with the lines.

Uuere bep þey biforen vs weren
Houndes ladden and haukes beren
And hadden feld and wode

Besides the Digby version of the poem, which was edited by Hermann Varnhagen in 1880,² there are four other edited versions. These appear in MS Laud Misc. 108 (MS Bodl. 1486),³ MS Harley 2253,⁴ the Vernon MS (MS Bodl. 3938),⁵ and the Auchinleck MS (MS Advocates 19.2.1).⁶ Other editions of the versions exist. Thomas Wright, in 1841, published his transcription of the Harleian version.⁷ David Laing, in 1857, gave us a rather free edition of the Auchinleck,⁸ and Furnivall published under one cover the Laud, Digby, Harley, and Vernon texts.⁹

Only one known version of the poem has remained unpublished, that

¹ See Carleton Brown and Rossell Hope Robbins, *Index of Middle English Verse* (New York, 1943), No. 3310.

² “Zu mitttelenglischen Gedichten,” *Anglia*, 3 (1880), 59-66.

³ Carl Horstmann, “Die Sprüche des h. Bernhard und die Vision des h. Paulus nach MS. Laud 108,” *Archiv*, 52 (1874), 33-35.

⁴ K. Bøddeker, *Altenglische Dichtungen des MS. Harl. 2253* (Berlin, 1878), 225-230.

⁵ Hermann Varnhagen, “Noch einmal zu den spruchen des heiligen Bernhard,” *Anglia*, 3 (1880), 285-291.

⁶ *Ibid.*, 291-292.

⁷ “Specimens of Lyric Poetry, Temp. Edw. I,” *Early English Poetry, Ballads and Popular Literature of the Middle Ages*, 4 (London, 1841), 101-106.

⁸ *A Penni Worth of Witte* (Edinburgh, 1857), 119-120.

⁹ F. J. Furnivall, *The Minor Poems of the Vernon MS Part II*, Early English Text Society, No. 117 (London, 1901), 511-522; 757-763.

found in MS Bodl. Addit. E 6 (hereafter indicated as E). This MS is a parchment roll, 6 feet long by 3 3/8 inches wide. It contains, besides "The Sayings of Saint Bernard," two other poems: a 212-line versification of the fifteen signs that precede Doomsday and a 127-line exposition of the Pater Noster. The MS was written in the latter half of the thirteenth century.¹⁰ G. Pfander has argued that this small roll could have been used by itinerant friars who are known to have preached sermons in popular verse.¹¹

The dialect of this particular form of "The Sayings of Saint Bernard" is quite clearly Southeast Midland. Using the dialect criteria proposed by Moore and Marckwardt,¹² we see the following general pattern: OE *a* > *o*; OE *a* + nasal remains *a*; OE *ȃ*, *ȝ*, *ēo*, and *eo* have lost their rounded quality; OE voiceless *f* remains voiceless; and the form which became Mod E *shall* is *schal*. Further, we find that the present indicative plural suffix is regularly *-en*; the oblique plural of the third personal pronoun is *hem*; and the suffix for the third person present indicative is never *-es*.

The dialectal evidence is supported by the fact that the MS is connected to Essex by marginalia which read in part "... Sciant presentes & futuri quod Ego thomas Choke de ssalyngge ð dominus Robertus park de ssalyngge." Parks, we find in Morant's *History and Antiquities of the County of Essex*, was "a capital messuage" in the parish of Saling. The property was in the hands of the De Salinge family from the time of Richard I until 1293, when Robert de Salyngge, identified as "an eminent clergyman," sold the dwelling to a certain Roger att Parke.¹³

The evidence then strongly indicates that the MS originated in the latter part of the thirteenth century in the Southeast Midland area, probably in Essex.¹⁴

Hitherto, the text found in MS Digby 86 (hereafter referred to as D) has been considered as providing the basic text of "The Sayings of Saint Bernard."¹⁵ One importance of the E version, printed here, is that it

¹⁰ Falconer Madan, H. H. E. Craster, and N. Denholme-Young, *A Summary Catalogue of Western Manuscripts in the Bodleian Library at Oxford*, Vol. 2, Part 2 (Oxford, 1937), 789-792.

¹¹ *The Popular Sermon of the Medieval Friar in England* (unpub. diss. New York University, 1937), 69.

¹² *Historical Outlines of English Sounds and Inflections* (Ann Arbor, 1966), 113-129.

¹³ Philip Morant, *The History and Antiquities of the County of Essex, etc.* (Chelmsford, 1816), 2, 412.

¹⁴ This conclusion is further supported by Professor M. L. Samuels of the University of Glasgow. In a letter to me, dated 19 April 1968, he identified the dialect of the scribes who wrote the E MS as that of S. W. Essex.

¹⁵ See Carleton Brown (ed.), *English Lyrics of the XIIIth Century* (Oxford, 1932), 202.

is at least contemporary with D which has been dated as 1272-1282.¹⁶ More important still is that E seems, in one respect, to be closer to the prototype than D does. For D has apparently been contaminated by a false stanza which appears in that text as Stanza II:

Lestneþ me a luitel þrowe
 3e þat wilen ou-selven cnowe
 Ounwis þau ich be
 I schal hou tellen also ich can
 Wat holy writ spekeþ of man
 Lestneþ nou to me

That this stanza is nonsense, within the context of the poem, is clear. For the line following is "Seint bernard seiþ in his bok"; and the poem, moreover, does not purport to deal, except indirectly through allusion, with the teaching of Holy Scripture, but rather with the teaching contained in *Meditationes piissimae de cognitione humanae conditionis*, a work thought to be by Bernard of Clairvaux.¹⁷

The Harley and Laud versions also follow the pattern of D and include this spurious stanza. The Vernon MS version of the poem, like E, excludes the stanza, but it is perhaps a century later than D and E and is, besides, so heavily edited and expanded that it is outside the primary MS tradition of the poem. The Auchinleck poem is a mere fragment containing only the seven concluding stanzas and thus, like the Vernon, stands to one side in a study of the MS relationships. Therefore, the E version, since it is so early and because it excludes the spurious stanza, probably more accurately reflects the form of the text than does D.

Nevertheless, E, though apparently closer in structure to the prototype than D, is still at some remove from the original. Its meter is crude. It has more than a few misreadings (see ll. 10, 38, 40, 41, 46, 47, etc.); and these misreadings seem to indicate that the scribe was copying an earlier model (see ll. 10, 38, 75, 96, 116, etc.). Furthermore, there are in the rhymes several difficulties which may indicate that the scribe was copying a dialect not quite his own, or dealing with a poem imperfectly remembered (see ll. 3:6; 33:36; 51:54; 57:60; 69:72; 75:78; 93:96; 105:108; 117:120; 135:138; 145:146). Of the two earliest texts of the poem, E and D, we must go to D for clearer "copy."

In the edition given here I have hewn as closely to the MS text as possible and practical. For the convenience of the reader I have supplied stanza

¹⁶ See B. D. H. Miller, "The Early History of Bodleian MS Digby 86," *Annuaire Medievale*, 4 (1963), 23-56.

¹⁷ See J. E. Cross, "The Sayings of St Bernard and *Ubi Sount Qui Ante Nos Fuërount*," *Review of English Studies*, New Series, 9, No. 33 (1958), 2-6.

and line numbers. I have expanded all abbreviations except the ampersand, and supplied the missing letters in italics. Conjectural readings in places where the text is illegible I have supplied as italics within brackets, after consulting corresponding readings in the other MSS. Such punctuation as appears in the MS seems to have been accidental, so I have ignored it. Capitalization, erratic though it is, follows the text.

Assit principio sancta maria meo

[I]

þe blessingge of þe hewene kyng
And of his moder þat swete þyng
þat mote we alle hawyn
He 3ewe vs god Byg[*y*]nnynge
Clene Lif & god endyng
In þys world to hawyn

5

[II]

Sey[*nt*] Bernard seyð in his Bok
þat man is worm & wormys cok
& wormes he schal feden
wanne hys Lyl is hym Berewyd
In his reg & in his hefd
schollyn þe wormes Bredyn

10

[III]

þe fles schal melten fram þe bon
þe senues sondren euerychon
þe Body schal to fyen
þo þe wyllen þe soþe isen
Ondo þe grawes þer 3e Ben
& Loke wer 3e Lyen

15

[IV]

Ma þu art of feble fom
Ne haweste here no seker hom

20

7. *seyd*: this form is 3s. pres. See also *ded*, 32; *gad*, 49; *seyd*, 45, 50, etc. For the further use of *-d*, apparently for *þ* in the final position, see *coud*, l. 55; *moud*, 56; *wyd*, 80, 114; *draztd*, 92.

10. *Lyl*: comparison with the other texts shows to be a misspelling for *Lyf*.

11. *reg*: possibly a Ktsh reflex of OE *y*; see also *senne*, 178. However, see *wyt/bet* rhyme ll. 145-6

15. *to fyen*: a corruption of *defien*, « to fall apart, dissolve »; poss. fr. *OF desfier*.

17. 3^e: the 3pl. pron. This scribe regularly writes this very irregular form (18, 51, 54, 127, 130, etc.).

19. *fom*: « foam ». The source is ultimately Wisdom V:15: « ... quoniam spes impii tamquam... spuma gracilis... »

I ne seȝe þe bote sc[yle]
 þy rite stede is elles wer
 Ihesus Lete vs comen þer
 þoru hys suete wylle

[V]

þy fles stant ageyn þy gost 25
 wanne þu schalt deyen þu ne wost
 neyþer day ne nyt
 And nede costes þu scalt deyen
 Ne may no Ronsoun þe for Beyen
 þu greyþe þe wyle þu myt 30

[VI]

A fykel wynd man is þy Lyf
 & ded hawyt drawyn his sarpe cnyf
 þu doþe sone to scrywen
 ȝyf þu connest loken ryt
 ne hawyst þu here bote fyt 35
 þer wyles þu art oliwe

[VII]

Nu þu art wrong nu þu art ryt
 Nu þu art hewey nu þu art ryt
 Nu þu scippest also a roo
 Nu þu art riche nu þe powerest 40
 Nu þu art syk nu þe kewerest
 Ne ys þes mochel wo

[VIII]

þy fles hyt seyt nyt & day
 Ich wylle hawen reste þer wyle imay
 þe saule seyð nay 45
 ȝyf ich be þe to mochel meke
 þu brengest me to helle depe
 þat wo Lastyt ay

[IX]

þys stref gad be tuen hem tuo
 þat on seyð Let þat oþer seyð do 50
 Ne wyllen ȝe newere Lennen
 ac wel mowen we alle ysen
 þe saule aute maystere to ben
 þe pres ȝe oute to wynnen

38. *ryt*: the scribe should have written *lyt*.

49. *gad*: this seems to be a Nrn form; but the eccentricity of this scribe, coupled with the fact that there is not other occurrence of such a form, makes any generalization impossible.

[X]

Man þu be þy self wol coud 55
 & loke wat comet out of þy moud
 & elles wer abouten
 wol inder leche þu nym kep
 Ne fyndeste þu no so foul dong hep
 3yf þu lekest al abouten 60

[XI]

& þu hawest in þat foule hous
 þat soule þat is so precious
 wol dere hyt was iboȝt
 Ich holde hym more þanne wod
 þe man þat Lat so mochel god 65
 þe dewel hawyn for noȝt

[XII]

Man be war & be wys
 3yf þu don fallyst sone arys
 Ne leȝe þy none stonde
 ageyn þy foman þu fyt 70
 þat Bringet þe þys day to nyt
 þat ys in bok ifonden

[XIII]

Man þat hawet þre wylke fon
 here names ich kan ewerichon
 I wylle hys tellen alle 75
 þyn owene fles þe world þe fend
 he þat oute ben þy beste frend
 he dot þe sonest don fallen

[XIV]

þu makest þy foman fat & proud
 þu clopest hym wyd fayr scroud 80
 3yf i þe dorste seyen
 þu dost þy self wol mochel wrong
 þu makest hym boþe fat & strong
 to fyten þe ageyn

58. *inder leche* : « behind », fr. OE *hinder* + *lic*.

73. *wylke* : « wicked ». A misspelling for *wykke* ; the other texts support such a conclusion.
 See also 152.

[XV]

þu do [b]e conseyl & be red 85
 wit drau hym somdel of hys bred
 & gif hym water to drenken
 Ne let hym noȝt idel gon
 Bote do hym peynes manyon
 & ofte do hym to suenken 90

[XVI]

To coweytise of manyþyng
 þys world þe draȝtd to mys Likeng
 begylet þe more & more
 fals he ys & fayr he semet
 alþer ferst wanne he [3]e be quemet 95
 he bynddet þe wol reþe

[XVII]

þu wost þys world schal to noȝt
 ne haweste þu noȝtd heder Broȝtd
 ne noȝt schalt beryn wit þe
 þu schalt alone wenden þy wey 100
 wytouten stede & palfrey
 wytouten gold and fe

[XVIII]

þat Loþe þyng þat foule wyt
 fondet boþe day & nyt
 wyd hys mites alle 105
 þu wost he ne lowyt þe noȝt
 he fondet for to tornen þy þoȝt
 and don þe for to fallen

[XIX]

þu wost he wele þe no god
 he wolde hawen þyn herte blod 110
 nu be war of hys hok
 Do nu ase ich halbe ised
 & alle hys gyles schollen be led
 wyd hys howene crok

[XX]

ȝif þu sest þys spel is hard 115
 ne mite noȝt heldin þys foreward
 holden ne ek dreyen
 A litel þyng man ich axe þe
 seyme sode par charite
 þat þu þerofen ne Lye 120

[XXI]

war bet þo be forn þe weren
 hondes & ek hawekes beren
 & haweden feld & wode
 þe fayre Leuedies in here bour
 þat weredyn gold on here tresour
 wyt here Brite Rode

125

[XXII]

3e haten & dronken & maden hem glad
 here Lyf was al wyt io3e ilad
 Men kneweleden hem be forn
 3e beren hem wol suyþe he3e
 Myd on tuenkelynge of an e3e
 here saule hyt was for Lorn

130

[XXIII]

war hys þat pypyng & þat song
 þe traylyng & þat proude gong
 þat hawekes haweden on honde
 al þat prede is want away
 þe io3e is comen to weylawey
 to many an harde stounde

135

[XXIV]

here parais 3e haweden here
 and n[u] 3e Le3en in helle fere
 þat fer hym Lestet ewere
 Longe is ay & Longe is 3o
 Longe is wele & Longe is wo
 þannes comet 3e newere

140

[XXV]

drey here man 3yf þu wyt
 alytel peyne þat man þe bet
 wyt drau þine eyses ofte
 þey þe pine be on rede
 and þu þynke [op] on þe mede
 hyt schal þe þynken softe

145

150

[XXVI]

þat Loþe wyt þat foule þyng
 þoru wylke roun & ewyl eghyng

145-46. *wyt/bet*: clearly intended to rhyme. The other texts have *bit*. This scribe has apparently written /I/ as *e* elsewhere. See *reg*, 11 and *senn*, 178.

adoun þe hawyt icast
arys and be god chompioun
stand & fal nammore adoun
þoru awyndes blast 155

[XXVII]

þu tak þe rode to þy staf
& þynk on hym þat þeron 3af
hys Lyf þat was so lef
he 3af hyt for þe þu iheld hyt hym 160
ageyn þy forman þe staf þu nym
& wreck þe on þe þeof

[XXVIII]

of rite be Lewe þu mak þy seld
þar wyles þu art in þe feld
þyn hond to strechchen þu fonde 165
þu wake þy fo myd stawes ord
Mak þe traytoour & sey þe word
and wyn þe merie Londe

[XXIX]

þarinde ys day wyt outen nyt
wyt outen ende strenke & myt 170
& wreche of eweri fo
Myd god hym selwe is þe Lyf
Io3e & blisse wyt outen stryf
and wele wyt outen wo

[XXX]

Mayden moder hewenequen 175
þu myt þu canst þu howest to ben
Ouwere seld ageynest þe fend
help vs Leuedy senne to flen
þat we mowen þy sone ysen
In io3e wyd outen ende 180

Seattle University.

169. *parinde* : a misspelling for *parinne*, possible because of analogy with the pres. part.

Immortality and Inalienability: Baldus de Ubaldis

J. A. WAHL, C.R.

IN the year 1319 Franciscus Ubaldis, a doctor of medicine of some standing in his native Perugia, was presented with a son.¹ It was surely not the most auspicious time for a child to enter the world. Italy was torn by rivalries, feuds and a large-scale conflict being waged in Lombardy between the forces of John XXII and the Visconti.² The Pope was absent from Rome, residing in Avignon and riots were the order of the day in the Eternal City. Rival Emperors, Frederick of Austria and Louis of Bavaria, were dissipating what was left of Imperial glory and allowing tyrants like Matteo Visconti, Can' Grande della Scala and Passarino Bonaccolsi to flaunt both Empire and the Papacy. Pietro Baldo degli Ubaldi, more commonly known as Baldus de Ubaldis, was to find himself deeply involved in the turbulent events of the fourteenth century.

The young Baldus studied the *trivium* and then spent some time on philosophy during which period he obviously acquired his knowledge of Averroes, Aristotle and Thomas Aquinas. His knowledge of classical authors seems to have been limited to the works of Cicero and Seneca³ but he was well versed in the thought of Augustine. Baldus began his legal studies under Bartolus of Sassoferrato and continued under Giovanni Pagliari at Siena and Franciscus de Tigrinis at Pisa; but it was above all Bartolus who formed the young jurist and taught him the method of the post-glossatorial school to which he thereafter adhered.

Under the direction of Bartolus, the pupil and disciple advanced to the rank of doctor in 1344⁴ and immediately Baldus began a life in which

¹ Cf. F. C. von Savigny, *Römischen Rechts*, 6, App. V, 5, 12. The date 1327 which is sometimes given is from Tarducci, "Li tempo di Baldi e lo spirito della sua scuola," in *L'Opera di Baldo, per Cura dell'Università di Perugia nel V. centenario dalla Morte del grande giureconsulto*, ed. G. A. Scavanti (Perugia, 1901), 458.

² Cf. G. Mollat, *The Popes at Avignon*, trans. Janet Love (New York, 1965), 76-170.

³ Cf. G. Chevrier, "Baldi de Ubaldi," *Dictionnaire de Droit Canonique* (Paris, 1924 ff.), col. 39.

⁴ Baldus, *Practica* "Questiones circa appellationem" q. 1 Rub. "... die XVI Novembris anno domini DDCCCXLIII, quo die a magnis doctoribus et scholaribus reportavi victoriam et honorem..."

the academic and the public spheres vied for his attention. He travelled a great deal, teaching at Perugia, Bologna, Pavia, Pisa, Florence and Padua.⁵ His first position was at Siena followed immediately by a sojourn at Bologna: ... et predicta disputavi in civitate Senarum anno quo studium meum complevi et fui doctoratus. Postea Bononiae ivi causa legendi...⁶

In 1351 Baldus returned to Perugia whose citizens sought by oath to force him never to leave the territory.⁷ Actively engaging in the public life of the city Baldus served as an advocate from 1351 to 1356 when he had occasion at least once to oppose Bartolus: "... dicebat Bartolus... ego istam quaestionem in advocacionibus habui secum."⁸ The following year he was appointed as judge in which capacity he served for one year.

His academic career was resumed in 1358 as he traveled to Pisa to lecture on the *Digestum vetus*. But the advent of the next scholastic year found him on the move again, this time to Florence where he gave the ordinary lectures on the *Codex* at the university.⁹ After spending some six years at Florence where he gained the esteem of the citizens, he returned to Perugia and the public life, serving as ambassador to the court of Gregory XI at Avignon sometime between 1370 and 1376. He was also sent as ambassador to the King of Naples during these years.¹⁰ But again the teaching career beckoned him, this time to Padua where he accepted the chair of civil law from 1377 to 1379.¹¹ Here he wrote his *De Schismate* defending the laws of Urban VI. His defense of Urban led Perugia to recall him and send him to Rome to act as a consultant in a study of the laws of Urban VI, which he did in concert with Johannes de Lugnano of Bologna.

The final years of Baldus' life were spent teaching. At the urgent invitation of Gian Galeazzo Visconti of Milan he accepted the chair of law at the university of Padua in 1390.¹² During this period he lectured on

⁵ Cf. Chevrier, *loc. cit.* col. 40.

⁶ Baldus, *Practica* "Questiones circa appellationem" q. 1. Rub.

⁷ Cf. J. D. Wilson, "Baldus de Ubaldis," *Yale Law Journal*, 12 (1902), 14.

⁸ *Consilia* III, 160, n. 1. Bartolus died in 1352.

⁹ "Repetita per eundem Baldum Florentino anno domini 1358, mense novembri." Baldus, on C. 1, 2, 1.

¹⁰ Cf. Chevrier, *Dictionnaire*, col. 40; Wilson, *loc. cit.*, 15.

¹¹ Chevrier says 1367-79 which cannot be correct, *Dictionnaire*, col. 40. The latter date comes from an editor's rubric to Baldus, on C. 2, 1, 3: "Sequitur eiusdem legis repetitio in studio Patavino per eundem Dominum Bal. facta anno Domini 1380 ex prototypo."

¹² Cf. *ibid.* It is significant that it was precisely at this time that Galeazzo was putting pressure on Perugia. In 1392 a treaty was signed and an uneasy peace lasted until January 21, 1400, just a few months prior to Baldus' death. Cf. J. C. L. Sismondi, *A History of the Italian Republics* (New York, 1966), 191-92. This work was originally published in 1832.

the *Libri Feudorum* as well as on sections of the *Codex* and the *Digestum vetus*.¹³ Here he died on April 28, 1400.

Baldus as Teacher and Writer

Baldus' lectures, reportedly, were enlivened by a sarcastic wit and a vigorous presentation.¹⁴ Physically, he is portrayed as a slight unprepossessing man but his vitality is witnessed by his long and productive life. Although he lectured at intervals throughout his career he also wrote works distinct from his lecture materials. His lectures on the *Code* and *Digest* have come down to us in written form.¹⁵ In these we find an often summary treatment and a personal tone. He lectured primarily on the practical parts of the law, hence the *Digest* is adequately treated but the *Code* has lacunae particularly in the later books.

The two major works which Baldus wrote were his commentary on the *Decretals*¹⁶ and, of course, his *Consilia*.¹⁷ The former covers only the first three books of the *Decretals* but is very complete. It is impossible to date the production of the work since Baldus never held a chair of canon law. We can surmise, for example, that his work on the *Code* is based on his lectures given in 1377-79 when he held the chair of civil law; no such assumption can be made with regard to his canonical production. Nor can we date his *Consilia* in this way since they were produced *ad hoc* throughout his life.

The *Consilia* contained in five volumes represent the sum of Baldus' legal wisdom. In these he is dealing with practical situations to which he applies the legal principles culled from both laws. Although at times one suspects the jurist of padding his answers with references to other

¹³ Cf. Chevrier, *Dictionnaire*, col. 40.

¹⁴ Cf. Wilson, *loc. cit.*, 16.

¹⁵ There are no modern editions of Baldus' works. But we have many fifteenth, sixteenth and early seventeenth century editions. Baldus' Commentaries on the various books of the *Corpus Iuris Civilis* are available in editions printed in 1545, 1577, 1615, to mention but a few. I have chosen his *Commentarius in Codicem* (4 vols.; Venice, 1586) and his *Commentarius in Digestum* (2 vols.; Venice: apud Iuntas, 1489).

¹⁶ There are also various editions of this work all printed, late fifteenth or early seventeenth century. I am using Baldus' *In Decretalium Volumen Commentaria* (Venice, apud Iuntas, 1489).

¹⁷ Baldus' *Consilia* in five volumes are available in several complete and incomplete editions. Three good editions would appear to be those printed at Venice in 1575, 1589, and 1615. All my citations are to the *Consiliorum sive Responsorum D. Baldi Ubaldi Perusini Iurisconsulti Clarissimi Omnium Concessu Doctissimi Pariter et Acutissimi* (5 vols.; Frankfurt: Feyrabendiis, 1589). In all the editions of Baldus' works the variations appear slight but a new edition would facilitate the study of this jurisconsult. A confusion of the sources very early makes the discovery of a totally authentic text a difficult task.

loci which are only remotely connected with the problem at hand there can be no doubt of the wide grasp of law which he possessed.

Baldus was a true Bartolist or post-glossator. He often used the scholastic method in his presentation of the law, particularly in his lectures. After the *status quaestionis* Baldus will set forth an answer to the problem but then deny it and give the true answer. He does not always do this explicitly and leaves the reader to discover his mind on the matter. He followed Bartolus and Cynus de Pistoia on many doctrines while his canonical principles were often culled from the Archdeacon, Hostiensis and Rufinus and, above all, Bernard of Parma.

His acquaintance with classical writers was, as we have noted, scant. The very fact that he chose to write in Latin rather than the vernacular being used by many of his contemporaries, shows him to be a conservative as we would expect from a lawyer who is concerned with source materials in that language. His basically conservative approach to political theory is evidenced in his support of the Emperor as *de iure* lord of the Christian world.

Above all, however, Baldus was recognized as the best jurist of his time. While recent historians have reestablished Bartolus to his rightful position of eminence, contemporaries were more impressed with the great learning and legal ability of Baldus. Of course he did not teach and write in a vacuum; he was influenced by the contemporary political scene. His doctrines would have been revolutionary had they appeared in 800 or even 1200. But, by the fourteenth century, Europe was prepared to receive his teaching. The progression from fief to realm had been accomplished and in the fourteenth century the great monarchies of Europe were experiencing the growing pains of that political puberty we call nationalism. It now remained for men to explain the political and social phenomenon which confronted them. In the course of his career Baldus applied his knowledge of Roman and Canon law to an explanation propounding a theory which reflected the new sophistication of political thought.

The mere separation of the ecclesiastical and the temporal spheres in the later Middle Ages should not lead us to the immediate conclusion that a state concept had made its appearance in Western Europe.¹⁸ The division was a necessary prelude however, since, before the *regnum* could be visualized as a state it had first to achieve its independence from over-zealous supporters of ecclesiastical authority. But if the end result of the revolutionary processes which wrested secular power from papal

¹⁸ Although I am discussing an evolving concept I shall, for convenience sake, refer to the *regnum* or *respublica* as the state realizing that it was not yet a state in the modern acceptance of the term but only in the process of formation.

hands and constituted the *regnum* an independent phenomenon was only the creation of a power base for the private use of the king or ruler in the form of a large fief, then the evolution of the state would have been severely hampered. It is, in reality, anachronistic to speak of a church-state controversy prior to the later Middle Ages. The separation of the *regnum* from the *sacerdotium*, effected in fact by the beginning of the fourteenth century, marked the initial phase in the development of a state awareness as it emerged in the fourteenth century in the works of men such as Baldus.

It fell to the post-glossators to delineate those features which differentiated the *regnum* as a gigantic feudal estate and a private imperial or regal preserve from the *regnum* conceived as a *tertium quid* composed of, yet distinguished from, its members, giving reason and power to the office of the monarch, subject of public law and possessed of a personality which exercised a claim on the loyalty and devotion of its members and the activities of the king. Monarchy viewed as an office was not new to medieval political philosophers nor was it the creation of the fourteenth-century legal theorists and jurisconsults; but the new dimensions of legal precision added by the latter to the philosophic considerations of Kingship make concrete in juristic terms the powers, rights, and responsibilities of the king and the people. This is not necessarily to say that the ruler was rigorously or absolutely subjected to the law, as we shall see, but the legal guide lines for good government which the lawyers drew up were a marked improvement over the unwritten customs which had hitherto regulated in a vague way the relations between the ruler and the ruled.

Regnum as Corporate Person

A primary factor in the gradual emergence of a state concept was the adoption by the post-glossators of a corporation theory in relation to the political unit. There is no denying that the jurists were indebted to the philosophers, particularly Aquinas, for the common good doctrine, and to the canonists, such as Innocent IV, for their appreciation of the corporation and its ramifications, but it was the legists who added to the corporation a juristic personality. A new emphasis on the realm as a corporate body as opposed to the older view of it as the sum of individual contracts between the ruler and his subjects made it possible to endow the political entity with a fictitious personality which could be the subject of public law. Just as private law governed the acts of the individual so the principles of public law governed the acts of the *universitas* of the realm.

Universitas was a formal term denoting any collection of individuals gathered into a unity by reason of a common purpose for the attainment of which each individual should act, and possessed of the privilege of

universitas granted by competent authority; in addition to the common end the *universitas* had to possess a common fisc or treasury and the right to appoint a syndic or proctor to carry out its decisions.¹⁹ Episcopal chapters could be *universitates*²⁰ as indeed could the entire Western world.²¹ The Church had already visualized itself as an *universitas*, a corporate body,²² as expressed in the mystical body doctrine which the Church applied to itself.²³ Consequently, there was an adequate source for Baldus' description of the *populus* as a collection of people forming a mystical body²⁴ by which he meant to distinguish it from a real body although he realized it was a creation of the intellect and not a sensible individual.²⁵

Baldus was not merely employing personification as an analogical description of the political unit. Aware that the body-politic was a creation of man in imitation of nature,²⁶ as a good jurist he realized that it would be advantageous to consider the political unit as a legal person capable of buying, holding and selling property and so, too were the fourteenth-

¹⁹ Cf. I. Th. Eschmann, "Studies on the Notion of Society in Thomas Aquinas," *Mediaeval Studies*, 8 (1946), 8. A clear and concise study of Aquinas' views in this matter is presented by Maurice de Wulf, *Philosophy and Civilization in the Middle Ages* (New York, 1953), chap. 10. This work was originally published in 1922.

²⁰ Cf. Brian Tierney, *Foundations of the Conciliar Theory* (Cambridge, 1955), *passim*, for pertinent examples.

²¹ Bartolus visualized the entire world as an *universitas* in his comment on D. 6, 1, 1, n. 3: "Nec obstat quod alii sunt domini particulariter, quia mundus est universitas quaedam; unde potest quis habere dictam universitatem licet singulae res non sint suae." Obviously *universitas* can be both a species differentiated from its genus by specific difference and a genus with reference to the individual parts under it.

²² Cf. c. 6, X, 1, 6.

²³ Cf. Ernst Kantorowicz, *The King's Two Bodies* (Princeton, 1957), 198 ff.

²⁴ Baldus, on c. 7, 53, 5, n. 11 (Additio): "Populus non est aliud quam homines quia (populus) debet intelligi de hominibus collective assumptis unde homines separati non faciunt populum. Unde populus proprie non est homines, sed hominum collectio in unum corpus mysticum, et abstractivum assumptum, cuius significatio est inventa per intellectum."

²⁵ Baldus, in c. 3, X, 1 31, n. 14: "Omnis universitas dicitur corpus, quia compositum et aggregatum, ubi corpora sunt tamquam materia; dicitur autem forma, id est, formalis status... Est igitur collegium imago quaedam quae magis intellectu quam sensu percipitur. See also Baldus, on D. 41, 3, 30; D. 4, 2, 9, n. 1; c. 53, X, 5, 39.

"... regnum quoddam totum suas partes integraliter continens tam in personis quam in rebus, sicut omne nomen collectivum populorum et territorii. Baldus, *Cons.* 1, 333, n. 1. Baldus, on C. 6, 26, 2, n. 2: "Est quaedam persona universalis qui unius personae intellectum habet tamen ex multis corporibus constat ut populus, et haec persona similiter loco unius habetur, et individuum corpus reputatur."

²⁶ Baldus, on D. 1, 7, 16 (Additio): "Ars naturam imitatur in quantum potest... Nota quod fictio naturae rationem atque stylum imitatur." Also see Baldus, on D. 17, 2, 3, n. 2; Inst. 1, 1, 14. "Est igitur collegium imago quaedam quae magis intellectu quam sensu percipitur." Baldus, on c. 3, X, 1, 31, n. 14.

century jurists who consistently personalized the political corporations of society.

When he referred to a corporation as a "fictio" or an intellectual creation, he was not emphasizing its falsity, since, of course, this connotation is completely lacking to *ficta*, or *fictio*, in Latin; analogy demands an element of truth and here the truth is that the *status* is legally responsible for its acts just as an individual is responsible before the law for his acts. Baldus would never have agreed with Maitland's denigration for the fiction theory:

... our German fellowship is no Fiction, no symbol, no piece of the State's machinery, no collective name for individuals, but a living organism and a real person, with body and members and a will of its own. Itself can will, itself can act; it wills and acts by the men who are its organs as a man wills and acts by brain, mouth and hand. It is not a fictitious person; it is a *Gesammperson*, and its will is a *Gesamtwille*; it is a group-person and its will is a group-will.²⁷

Maitland only echoed Gierke who was the first to enter the lists against the fictitious person theory charging that the lawyers had prevented the fruition of a group personality theory for which the medieval thinkers were groping. Gierke branded the juristic theory as an imposition on true medieval thought of a foreign doctrine culled from antique sources.²⁸ His failure to recognize in the jurists an authentic medieval philosophical attitude led Professor Gierke to jump to the conclusion that their theory was antique. Studies by Gierke himself indicate that Innocent IV first referred to the corporation as a "persona ficta" and that this formula is not found in the *Corpus Iuris Civilis* explicitly,²⁹ all of which seems to suggest that the fictitious person theory espoused by the lawyers was truly a medieval innovation for the purpose of expounding in legal terminology current medieval sentiment regarding the *universitas*. Among the dis-

²⁷ F. W. Maitland, introduction to Otto von Gierke, *Political Theories of the Middle age* (Cambridge, 1959), p. xxvi. Gierke's statement of the real group-will doctrine can be found in *Das deutsche Genossenschaftsrecht*, 3 vols. (Berlin, 1868, 1873, 1881), 3, 279 ff.; *Die Genossenschaftstheorie und die deutsche Rechtsprechung* (Berlin, 1887); and *Deutsches Privatrecht*, 1 (1895), 15-37.

²⁸ "The Theory of corporations which derives from this source may run (and perhaps this is its straightest course) into princely absolutism, or it may take a turn towards mere collectivism (which in this context is another name for individualism); but for the thought of the living group it can find no place; it is condemned to be 'atomistic' and 'mechanical.'" Maitland, in Gierke, *Political Theories*, p. xxviii.

²⁹ Cf. *Die Staats- und Korporationslehre des Altertums und des Mittelalters und ihre Aufnahme in Deutschland* (Berlin, 1881), 279. For the importance of Innocent IV in the development of medieval theory, see J. A. Watt, *The Theory of Papal Monarchy in the Thirteenth Century*, (New York, 1965) 58-73. Also see Brian Tierney, "Pope and Council: Some New Decretist Texts" *Mediaeval Studies*, 19 (1957), 197-218.

tinguishing features of the post-glossators was their constant determination to apply the principles of Roman law to contemporary situations. Gierke's basic presupposition that the group had an end distinct from the end of the individuals which composed it contradicts the accepted medieval understanding of the corporate group. Saint Thomas had said that the end of the political unit (common good) was indeed the proper good of the individuals within it.³⁰ In this the great Dominican was only putting into other terms the common doctrine of the medieval period. The author of a tract attributed to Irnerius described the *universitas* as a collection of individuals whose charge it was to care for its individual members.³¹

A teleological unity was achieved by the group which strove for the common good of its members. Organological descriptions of the state as a body-politic were not meant to demonstrate that there was a formal intrinsic, organic cause for its unity but merely served to indicate that the good of the body and the good of the members did not differ. But whereas a hand separated from the body loses its form of hand, an individual does not get his existence from the group, rather the opposite. The organic theory promoted by Gierke confuses the example for the truth. The jurists, Baldus among them, did not make this mistake; to do so would have been to deny the very philosophic basis of their position. They were, above all, men of their time and well acquainted with the medieval concept of corporate personality.³²

³⁰ Cf. Aquinas, *De Regimine Principum*, 1, x-xiv. See also Eschmann, *Mediaeval Studies*, 8 (1946), 1-42.

³¹ Irnerius, *De Aequitate*, 2: "... universitas, id est populus, hoc habet officium, singulis scilicet hominibus quasi membris providere" cited by A. J. Carlyle and R. W. Carlyle, *Mediaeval Political Theory in the West* 6 vols. (London, 1903-1930), 2, 57.

³² John of Paris began his tract *De Potestate Regia et Papali* with the statement: "Circa primum igitur sciendum, quod regnum proprie acceptum, sic potest diffiniri. Regnum est regimen multitudinis perfectae, ad commune bonum ordinatum ab uno." 1, 40-41, in *Monarchia Sancti Romani Imperii*, éd. Melchior Goldast (3 vols.; Hanover: Biermann, 1611 [reprinted in 1960]), 2, 109. This is but an echo of Saint Thomas as we might expect from one of the great early Thomists. Richard Middleton also stressed the importance of the common good in his work. Cf. Middleton, *Quod: Cod. Vat. Lat.* 868, f. 179: "... subditi liberi non tenentur solvere tallias quae eis a dominis temporalibus de novo imponuntur si nec directe nec indirecte redundat in utilitatem boni communis." Marsilius of Padua wrote: "... the numerical unity of a state or kingdom... is a unity of order—not an absolute unity" *Defensor Pacis* 1, XVII, II, ed. & trans. by A. Gewirth (New York, 1967) 86. Alvarus Pelagius (1280-1356) in his widely read *De Plactu Ecclesiae* (Lyons, 1617) was definite about the artificiality of the legal person: "Vere autem per quid uniatur ecclesia. Videndum est consequenter de modo unionis vel unitatis ipsius non autem postest dici ecclesia una sicut aliquis homo dicitur unus unitate suppositi et personae nisi forte secundum similitudinem quia sicut multa membra corporis sunt unum corpus sic multi fideles sunt una ecclesia" (1, xliiii). In his studies Gierke does not refer to this chapter.

For a comprehensive modern refutation of the real-person group theory see E. Lewis, "Organic

Despite objections on the part of the Germanic school the contemporary legal view of the state is a direct descendant of the fourteenth-century theories advanced by the jurists who accepted the corporation as a juristic person capable of proprietary acts but incapable of human acts of willing, knowing and acting in virtue of an intrinsic principle of operation.³³ This premise lies at the heart of Baldus' doctrine of the monarchy and political authority.

Medieval political theorists experienced concern over the continuity of the state. Customary law had as its rationale the preservation intact of the rights and duties of both subjects and rulers. At the same time the lawyers were aware that the situation often changed. In the theory of the juristic person Baldus found a way to preserve the integrity of the *status* while at the same time allowing for necessary modifications. Just as human nature remains unchanged despite accidental modifications, so too the nature of the legal person, with this major difference — the human person could undergo a substantial change through death but the legal person could not die — it was immortal and everlasting.³⁴ Ernst Kantorowicz accurately assessed the situation when he wrote:

The most significant feature of the personified collectives and corporate bodies was that they projected into past and future, that they preserved their identities despite changes, and that therefore they were legally immortal.³⁵

Prior to the fourteenth century the body-politic became corporate *ad hoc* for the necessity of the moment.³⁶ Baldus however believed that the perpetuity of the *universitas*, whether the empire or any lesser entity, was ensured by succession or surrogation.³⁷ In truly medieval fashion Baldus

Tendencies in Medieval Thought," *American Political Science Review*, 23 (1938), 849-89; also De Wulf, *Philosophy and Civilization*, chap. 10.

³³ This is the fundamental meaning of a "moral person" which is a collective body capable of proprietary acts. Baldus uses the terms "hominum collectio" (C. 7, 53, 5, n. 11) for "persona universalis" (C. 6, 26, 2, n. 2).

³⁴ Baldus, *Cons.* 1, 271, n. 3: "... respublica et fiscus sint quid eternum et perpetuum quantum ad essentiam, licet dispositiones sæpe mutantur." Baldus, on D. 5, 1, 76, n. 4: "Quarto, nota quod ubi mutatur forma rei, non dicitur mutari re licet quotidie quia populus non moritur, licet sint mortui illi qui præstiterunt causam interdicto."

³⁵ *The King's Two Bodies*, 311.

³⁶ This type of thinking is very apparent in the work of Richard Middleton who cites specific instances when the *regnum* as a whole was called upon to support the ruler. Cf. Comm. in Sent. 11, XLIV, 2, and *Quod*. 28, *MS. cit.*, f. 178v. Also see *The King's Two Bodies*, 311.

³⁷ Baldus, on D. 8, 2, 33: "... perpetuatio fit per successionem sive subrogationem." *De Pace Constantiae v. universitates*: "... de ista magna universitate, quæ omnes fideles imperii in se complectitur tam præsentis ætatis quam successive posteritatis." Baldus has in mind the two principles of accession to the throne: heredity or election. The latter was particularly important in the transmission of the Imperial title.

discovered in the natural philosophy of Aristotle and Augustine's historical perspective examples of perpetuity despite change. The world's eternity did not preclude, in Aristotle's view, the possibility of change; nor did the eternity of the empire, according to Saint Augustine, suffer because it had assumed several forms, the last of which, the Roman, was destined to perish as the final age of man.³⁸

In his insistence on the perpetuity of the *imperium* Baldus has been accused of Averroism. There can be no doubt that Baldus was exposed to Averroistic doctrines since these flourished in the Northern Italian universities.³⁹ The two Averroistic doctrines which Baldus is suggested to have held are: the unicity of the human intellect and soul and the eternity of the world. However, as we have seen, Baldus never equated the group intellect of the legal person with a real intellect. His group intellect can exist apart from men precisely because it is not a real intellect but a creation of man's intellect.⁴⁰ The Perugian cannot be convicted of exalting the group over the individual. When Baldus remarks that the *universitas* cannot suffer death just as man in general cannot die, he is not thereby adhering to or teaching the Averroistic doctrine of the immortality of the human soul which denied immortality to individuals.⁴¹ The *universitas* and *humanitas* share the privilege of immortality because they share in the fact that both depend upon the human intellect for their existence; both are concepts fashioned by the human intellect based on the reality of existing indivi-

³⁸ Baldus, *Cons.* 1, 328, n. 8: "Nunc autem dispositiones mundi mutatae sunt, ut ait Aristoteles, id est in *Coeli et Mundi*, non utique mundus generabitur et corrumpetur, sed dispositiones ipsius; et nihil perpetuum sub sole. Corruptionis enim causa per se est tempus, in *Physicorum*. Licet imperium semper sit, in *Auth.* quomodo oportet Episcopus et fine, (*Nov.* 6 epil.) Tamen non in eodem statu permanet, quia in continuo, motu, et perplexa tribulatione insistit, et hoc apparet in mutatione quatuor principalium regnorum: inter quae duo praeclariora constituta sunt: Assyriorum primum, Romanorum postremum, ut ait Augustinus, lib. 10, c. 8, *De Civitate Dei*, quod debet durare usque in finem huius saeculi..." The text cited by Baldus reads: "ad imperium: quod semper est..." *Nov.* 6, epil.

³⁹ Cf. H. Rashdall, *The Universities of Europe in the Middle Ages*, ed. F. M. Powicke and A. B. Emden, vol. 1 (Oxford, 1936), 262-65; C. J. Ermatinger, "Averroism in Early Fourteenth-century Bologna," *Mediaeval Studies*, 16 (1954), 35-36.

⁴⁰ Baldus, on C. 7, 53, 5, n. 11: "Unde populus proprie non est homines, sed hominum collectio in unum corpus mysticum, et abstractivum assumptum, cuius significatio est inventa per intellectum." (Italics mine.) Baldus, on C. 6, 26, 2, n. 2: "Et haec persona similiter loco unius habetur et individuum corpus reputatur."

⁴¹ For Averroism see P. Mandonnet, *Siger de Brabant et l'averroïsme latin*, Les Philosophes Belges, 6 (Louvain, 1908, 1911); F. Van Steenberghen. *Les œuvres et la doctrine de Siger de Brabant* (Brussels, 1938); Frederick Copleston, *A History of Philosophy: Mediaeval Philosophy* (Garden City, N. Y.: Doubleday Image Books, 1962), 2, ii, chap. xlii; Etienne Gilson, *History of Christian Philosophy in the Middle Ages* (New York, 1954) 216-25, and see "Averroism" in index.

duals, but not existing in itself.⁴² When the Averroists spoke of the unicity of the human intellect they were positing a real existing intellect whereas Baldus was speaking of a legal intellect, so to speak.

If there is any indication of Averroistic tendencies in the theory of Baldus it lies in his doctrine on the eternity of the empire, since here he depends on Aristotle's doctrine of the eternity of the world.⁴³ We face here a basic problem in determining the position of a jurist on non-legal and therefore peripheral theories. Baldus gives no indication that he personally ascribes to the theory that the world is eternal. The fact of the world's temporality was a fact of revelation, as Aquinas had pointed out; philosophically it could be eternal but there was no adequate proof one way or the other.⁴⁴ Baldus could thus use the possibility of the world's eternity in philosophy as an example while at the same time admitting that it was not, in fact, eternal. His constant adherence to orthodox scholastic thought regarding the universals and his ardent loyalty to the Holy See which, as we shall see, caused him to set aside a legal principle for the sake of the papacy's temporal claims, suggest that Baldus' use of Aristotle is merely in the line of example and does not necessarily express his own opinion. The important fact was that it was possible for unity to persevere despite change.

Inalienability and the Legal Person

As a direct consequence of the doctrine of the immortal legal personality of the state, Baldus advanced a theory of inalienability which effectively demonstrated the assured position of the realm as an object of public law rather than one of the king's personal possessions. Ulpian's famous axiom that, "public law is concerned with the *status rei Romanae* and those magistrates (ecclesiastic and civil) and sacred things (*sacra*) necessary

⁴² Baldus, on *Liber de Pace*, v. "Nos Romanorum": "Imperium non moritur... Item quia quod universale est non potest morte perire, sicut homo in genere non moritur." Baldus, on c. 3, X, 1, 31, 14: "Universitas dicitur corpus... Est igitur collegium imago quaedam quae magis intellectu quam sensu percipitur." *Cons.* 111, 159, n. 5: "Unde cum intellectu loquendo, non est mortua hic persona concedens."

⁴³ *Cons.* 111, 159, n. 5: "Et etiam [non moritur] universitas seu respublica ipsius regni, quae etiam exactis regibus perseverat. Non enim potest respublica mori, et hac ratione dicitur, quod respublica non habet heredem, quia semper vivit in semetipsa... sicut dicit Aristoteles: mundus non moritur, sed dispositiones mundi moriuntur, et mutantur, et alternantur, et non perserverant in eadem qualitate." Also *Con.* 1, 271, n. 3; 1, 328, n. 8.

⁴⁴ Thomas held that the only basis for his position that the world was created in time is revelation; see E. Gilson, *History of Christian Philosophy* (New York, 1955) p. 374; also Copleston, *History of Philosophy* 11 (Westminster, Md., 1965) 366.

for the public welfare," enjoyed universal acceptance among the lawyers.⁴⁵

Among the elements considered necessary for public utility and the preservation of the *status reipublicae* was the public treasury or *fisc*. A heritage of Roman organization, the *fisc* had been transmitted to the Merovingian kings who changed it into private property and the king's personal possession.⁴⁶ In the intervening years a growing recognition of the importance of the public treasury gradually took the *fisc* out of the personal control of the king.⁴⁷ By the end of the thirteenth century Richard Middleton was implicitly connecting the *fisc* to the honor of the totality of the people rather than the king alone. He saw that a healthy *fisc* gave the king a firm base of operation and that this was to the advantage and good of the citizens of the realm. Hence it was for them that the *fisc* really existed.⁴⁸ Yet Richard was still content to characterize the *fisc* as the king's purse, to be utilized for the welfare of the realm but still under the ruler's control. The definition of the *fisc* as the *sacculum regis* prevailed from the twelfth to the fourteenth century.⁴⁹ The real shift from the personal to the impersonal notion of the *fisc* can be seen in the trend among the lawyers to place possession of the *fisc* in the state rather than the ruler. Bartolus uses both the personal and im-

⁴⁵ D. i. i. 2: "... publicum ius est quod ad statum rei Romanae spectat... sunt enim quaedam publica utilia... publicum ius in sacris, in sacerdotibus, in magistratibus consistit." We are not concerned here with Calasso's theory that the words are a later interpolation since they were accepted as authentic by Baldus; but Calasso's assertion that *status Rei Romanae* is not the same as *publica utilia* is definitely true in Baldus' work. Although he may use the two phrases interchangeably at times we will see that the one supports the other. For Calasso see *Gli Ordinamenti giuridici del rinascimento medievale* 2d ed. (Milan, 1949; reprint 1953), 279. For opposing views see Post, *Studies in Medieval Legal Thought* (Princeton, 1964) 255-56.

⁴⁶ Cf. Fillipo E. Vassalli, "Concetto e natura del fisco," *Studi Senesi*, 25 (1908), 177-231, esp. 181 ff. Also Henri Pirenne, *A History of Europe*, trans. Bernard Miall (New York, 1957), 1, 16.

⁴⁷ Vassalli, *loc. cit.*, 189 ff.

⁴⁸ "Quandoque autem et non ita aperte sicut cum aliqua iniuria infertur regi extra suum regnum utpote quod iniuria ab adversariis detinetur captivus frater vel filius vel propinquus eius amicus, vel cum aliqua terra quae de iure de novo devoluta est ad agem ab adversariis possidetur violenter de facto et rex imponit tallias subditis per quas vis suum recuperat, tunc enim ille talliae redundant in bonum subditorum tam in enim regis subditi si tales sunt quales esse debent tristantur et minus honorantur... Et contrario cum rex viriliter vis suum recuperat contra adversarios... rex maius honoratur et ab adversariis timetur. ... Sequitur ex hoc quod subditi si fiunt tales quales esse debent gaudent et suas possessiones securius possident et in maiori honore habentur. Unde in tali casu si regis facultates ad expediendum negotium non sufficiunt credo quod a subditis etiam liberis potest accipere moderatum adiutorium compensata subditorum. ... Si eius facultates pro defensione regni vel fidei sufficiunt credo quod non debet in illo casu subditos talliare." *Quod*, 28, *Cod. Vat. Lat.* 868, f. 179r.

⁴⁹ Cf. Vassalli, *Studi Senesi*, 25 (1908), 181 ff. Marcus Antonius Peregrinus, *De Privilegiis et iuribus fisci libri octo* (Venice, 1611) gives a good summary of the various opinions of the glossators.

personal approach in his definition of the fisc as "saccus cesaris vel regis vel reipublicae."⁵⁰ A few lines later he calls the fisc "camera imperii"⁵¹ and then clearly distinguishes between the public and private property: "... aut accipimus cameram imperatoris prout est imperator... aut prout est privatus, et tunc differt camera imperii a camera sua."⁵²

By the middle of the fourteenth century Baldus was explicitly placing possession of the fisc in the body-politic rather than the king. He saw in it those qualities of the *regnum* which demanded reverence and in this respect he equated the fisc and the regnum.⁵³ *Fiscus* and *respublica* thus became synonymous as the former underwent a transformation into a legal person at the hands of the lawyers, principally Baldus.⁵⁴ By clothing the fisc in a legal personality Baldus definitely removed the fisc from the private and personal possession of the king. In relation to the fisc the ruler became a tutor since the fisc, like the Church, has its legal personality but the personality of a minor: "... nisi talis sententia esset lata contra fiscum, ecclesiam, vel pupillo."⁵⁵ Just as the property of a ward had to be protected by the guardian so the fisc was to be preserved intact. As an incorporeal person the fisc was perpetual temporally as well as spatially. The fisc was both eternal and ubiquitous. To emphasize this characteristic of the fisc Baldus compared it to God.⁵⁶ Deification of the fisc was not to be taken seriously; it was merely a method of explaining the perpetuity of the fisc.⁵⁷

Perpetuity of the fisc meant that interims between rulers did not effect the fisc which continued to exist and exercise its rights of ownership.⁵⁸ No one therefore could legally usurp public lands during an interregnum despite its length. In short, the fisc was inalienable. To protect and ensure the inalienability of the public treasury and lands, absolute dominium

⁵⁰ Bartolus, on C. 10, 1, rubr., n. 11.

⁵¹ Item, n. 13.

⁵² Item, n. 17.

⁵³ "... fiscus, respublica et etiam patria acquirantur quoad ad reverentiam eis exhibendam." Baldus, on D. 3, 1, 10.

⁵⁴ "Fiscus est personae incorporalis... Quandoque est (possessio) de non corpore in non corpus ut fiscus vel ecclesia in abstracto." Baldus, on c. 3, 9, X, 2, 14, n. 38.

⁵⁵ Baldus, on C. 4, 5, 1, n. 6.

⁵⁶ "Fiscus est persona incorporalis et ideo ubique..." Baldus, on c. 9, X, 2, 14, n. 38; "... quia fiscus est ubicunque ..." C. 4, 27, 1, n. 27; "... quod fiscus est ubique, et sic in hoc Deo est similis." C. 7, 37, 1, n. 2, *quaestio*.

⁵⁷ Cf. *The King's Two Bodies*, 185.

⁵⁸ Baldus, on C. 10, 1, n. 19: "Quaero, mortuo imperatore, ubi est iste fiscus, cum sit mortuus ille qui erat fiscus? Responsum: fingitur non mortuus, donec alius creetur imperator, sed vice personae fungetur."

of public goods was not allowed to be acquired by way of prescription. Immemorial or long possession without interruption or serious challenge never gave title to public property as it did in other cases:

Solve, quaedam non possunt alienari propter rem ipsam, ut homo liber, domus sacra, campus martius... via publica et similia, et ista praescribi non possunt.⁵⁹

Thus the fisc remained inalienable: "... quod non potest praescribi non potest alienari."⁶⁰ As a good lawyer, Baldus realized that the law of prescription had to be given a definite time limit. His declaration "nullo tempore praescribitur res Caesaris... Contra Imperium et Romanam Ecclesiam non proscribitur,"⁶¹ did not mean that the time-limit was ignored. Rather it was so extended as to make it unlimited. Ordinarily, possession for forty years gave a legal title to property.⁶² By extending the time limit for prescription to one hundred years in the case of public property, Baldus effectively denies the possibility of claiming title to public or ecclesiastical property by prescription.⁶³ In order to be a valid witness to the unchallenged possession of property one had to be fourteen years of age; thus a person would have to be one hundred and fourteen years old to validate prescriptive rights to public property. The *Glossa Ordinaria* to the *Decretals* had already recognized the fact that prescription of one hundred years is in reality no prescription at all.⁶⁴ In this way, then, Baldus answered the practical question of how to recover fiscal losses which had been in other hands for a long time beyond the memory of man.⁶⁵ Unless prescriptive right to possession was proved, property

⁵⁹ Baldus, on C. 6, 1, n. 30.

⁶⁰ C. *proem.*, n. 38.

⁶¹ Baldus, on C. 7, 38. 1.

⁶² Cf. *Cod.* vii. xxxix. 4-5. *De Praescriptione*. It was from Roman Law that the Church borrowed the doctrine of prescription. Cf. Thomas O. Martin, *Adverse Possession, Prescription and Limitations of Actions: The Canonical Praescriptio* (Washington, 1944), 16-17.

⁶³ Baldus, on C. 7, 30, n. 2: "Hodie vero de iure authenticorum non sufficit minus tempus centum annorum, quia sicut Romanum imperium gaudet eadem praerogativa... Attende tamen quod nec centum annorum sufficit praescriptio contra imperium vel Romanam ecclesiam in his quae sibi reservavit imperium in signum praeceminentiae et superioritatis..." Baldus, on C. 7, 40, 1, n. 7: "... non enim praescribitur nisi spatio centum annorum... Et eadem praerogativa videtur hodie gaudere imperium."

⁶⁴ "Sed videtur certe impossibile probari praescriptionem centum annorum. Idem est ac si diceret Papa: nullo quod currat praescriptio contra Romanam Ecclesiam... Sed qualiter probabit se possedisse spatio centum annorum? Per instrumenta non posset hoc probari: quia per instrumenta non probatur possessio, super *De Fide instrumenta*, "inter dilectos" (c. 6, X, 2, 22): per testes non posset probari, nisi testes ad minus haberent 114 annorum..." *Glossa Ordinaria*, on c. 14, X, 2, 26.

⁶⁵ Cf. *The King's Two Bodies*, 180.

reverted to its previous owner. In the case of public lands no one could produce a witness to substantiate their prescriptive right since one hundred and fourteen year old witnesses were rare to say the least. The extension of the *tempus memoratus* to one hundred years had been granted to the Church by Justinian.⁶⁶ This same protection granted by the Emperor to ecclesiastical property was now granted to the Empire by Baldus. That it was an innovation can be seen from Baldus' insistence on the word *hodie*.⁶⁷ Bracton had noted special reasons for the validity of prescription against the fisc and it is not until the time of Frederick II and the *Liber Augustalis* that we first find mention of the extension of the ecclesiastical privilege to the fisc.⁶⁸ So the fisc was raised to a dignity equal to that of the Church and the *regnum*, in possession of its unique legal personality, perpetuity and sanctity under the stimulus provided by canon and civil law as interpreted by the legists of the fourteenth century.

Constitutional historians have studied to some degree the mortmain holdings of the Church. Now in the fourteenth century a legal awareness of the "dead hand" of the state — the fisc — joined its ecclesiastical counterpart. Neither Church nor fisc died. Certain parallels suggested themselves to the lawyers immediately. A sort of equiparation existed between the Church and fisc and *regnum*. In this way the latter two shared in the sacral character of the former. This equation was evident in Roman Law where the public and sacred spheres were often linked.⁶⁹ Canonists had already determined that the Church did not belong to the Pope so now it was easy to argue in a parallel fashion that the fisc did not belong to the Prince.

⁶⁶ Cf. *Cod. i. ii. 23*, 3-4 for churches in general and *Nov. 9* for the Roman Church.

⁶⁷ Baldus, on *C. 7, 30, 2*, n. 2: "Hodie vero de iure authenticorum non sufficit minus tempus centum annorum..." Baldus, on *C. 7, 39, 3*, n. 17: "Sed hodie non videntur praescribi minore tempore centum annorum ex quo imperium aequiparantur ecclesiae." Roman Law even when it recognized prescription against the fisc only allowed a protective period of forty years or sixty by Lombard Law; see *Cod. vii. xxxix*.

⁶⁸ *Liber Augustalis*, 111, 39: "Quadragesimam praescriptionem et sexagenariam, quae contra fiscum in publicis hactenus competeat usque ad centum annorum spatium prorogamus." Cited by Kantorowicz, p. 182n. Bracton was specific in the reason for the validity of prescription against the fisc: "Item docere oportet longum tempus et longum usum qui excedit memoriam hominum. Tale enim tempus sufficit pro iure, non quia ius deficiat sed quia actio deficit vel probatio" Bracton, *De Legibus et Consuetudinibus Angliae*, ed. G. E. Woodbine (New Haven, 1915 ff.) 3, 186. After forty years fiscal property which was normally inalienable might be lost by the fact that time had made legal action impossible.

⁶⁹ Justinian treated the Church as a public thing ("publica res") in the *Codex. Cod. i. ii. 23* was used to show that the divine and public spheres were parallel as was *Cod. vii. xxxviii* whose title: "Ne rei Dominicae vel Templorum Vindicatio Temporis Exceptione Submoveatur," serves to indicate the equation.

Commenting on *De Iure Fisci* in the *Code* Baldus set out the contrasting doctrines regarding the fisc and its ownership and ultimately decided that, on the basis of the *lex regia*, the fisc belonged to the people when there was no prince: "... quia princeps repraesentat illum populum, et ille populus, Imperium, etiam mortuo principe."⁷⁰

When the Perugian jurist spoke of the fisc as a legal person subject to public law "... quoddam corpus inanimatum"⁷¹ and "... ipsius Reipublicae anima et subistentamentum,"⁷² he was striving to give it an exalted position and thereby preserve it from princely dominion and usucaption. Dues owed to the public treasury always remained in force because the fisc was not subject to change⁷³ and was never absent. Thus, the argument of "absence of owner" was not relevant in the case of the fisc.⁷⁴ Achieving fiscal continuity despite regnal or dynastic changes created a sound foundation for the development of a uniform policy in monetary matters many of which were connected with fines and penalties. This, in turn, dictated to some extent, a uniformity in taxes and penal laws. Large areas of continuity necessary for the evolution of a fully formed state-concept were thus provided by the legal decisions and advice of fourteenth-century jurists.

Since the fisc and *regnum* as legal persons, were incapable of acting of themselves but depended on the activities of the person who had charge of them, the question of inalienability was also considered from the point of view of the agent. Exactly what were the rights and powers of the ruler and to what extent could these be alienated? Basically Baldus' position

⁷⁰ Baldus, on c. 10, 1, n. 12: "Juxta hoc quaero an hodie post translata[m] omnem potestatem in principem propter lex regia possit dici camera populi romani esse fiscus, an vero dicatur camera imperii. Glossa dicit quod debeat dici camera imperii non populi... dico quod principaliter est imperii... Sed secundario potest dici populi romani quia princeps repraesentat illum populum et ille populus Imperium, etiam mortuo principe." Ultimate ownership then lay with the people while the prince possessed the fisc as an administrator or guardian.

⁷¹ Baldus, *Cons.* 1, 363, n. 2: "... fiscus per se est quoddam corpus inanimatum consensum per se non habens, sed simpliciter respraesentans."

⁷² Balus, *Cons.* 1, 271, n. 2, argues the importance of the fisc to the republic by equating it to the stomach which is of such importance to man's sustenance: "Et primo quaero, utrum Rex possit obligare rempublicam Regni sui, vel fiscum, qui est Reipublicae Portugalliae, et sub Republica continetur tamquam contentum in continente: et (ut ita loquar) est ipsius Reipublicae anima, subistentamentum."

⁷³ "... fiscus semper est solvendo: dicitur enim fiscus quasi fixus... Ubi privilegium fisci non transit in emptorem: quia ibi nec fiscus transit, unde mutatione personae et statum rei convenit immutari." Baldus, *Cons.* 1, 363, n. 2.

⁷⁴ "... quod fiscus est ubique, et sic in hoc Deo est similis, et ideo fiscus non potest allegare absentiam." Baldus, on c. 7, 37, 1, n. 2. See also Baldus, on c. 4, 27, 1, n. 27.

can be summed up in the following manner: the ordinary rights of the ruler (those held and exercised in virtue of his office) are inalienable as are those delegated to another in as much as the latter party cannot in any way change or subdelegate these rights without permission and consent of the major superior.

Inalienability and the Donation

The one major exception to this principle allowed by Baldus only served to prove the validity of the general principle. This exception concerned the validity of the Donation of Constantine by which the Emperor had divested himself of large areas of the Empire and the jurisdiction over them and ceded these to the Pope. There was no doubt in Baldus' mind that such an act was seriously injurious to the Empire and that such an act which so diminished the Empire was diametrically opposed to the sacred duty of the Emperor to increase his possessions.⁷⁵ Baldus was quick to admit that Emperors had not always lived up to their name of Augustus: "Imperator Augustus nominatur... quia debet esse eius propositi, ut augeat, licet quandoque non augeat."⁷⁶ Although he noted the arguments in favor of as well as opposed to the Donation, Baldus' sympathies lay with the latter. These arguments are based primarily on the nature of kingship:

...officium non potest alienare, quia remaneat sibi infixum... officium Imperatoris est ad vitam. ...Imperator habet iurisdictionem a lege Regia, cuius forma est, ut per unum regatur, non ut in plures Imperium dividatur.⁷⁷

The final argument against the legality of the Donation sums up all the previous ones: "... nam hoc videtur esse contra publicam utilitatem."⁷⁸ Monarchical authority was, in Baldus' estimation, essential for the continued preservation of the public weal. Injury, by way of unwarranted alienation, to the former inevitably harmed the public good. Since public law forbade injury to the *status* it consequently also limited the ruler in

⁷⁵ The first thoughts on the matter of fiscal inalienability seem to have arisen from the concept of *augustus* (from *augere*) as a title to indicate the task of the emperor to increase the empire. Hence he could not be a diminisher but must always strive to increase it. Cf. Kantorowicz, 167 n. Baldus, *Cons.* 1, 327, n. 6, comments on this function of the emperor: "Illud etiam constat, imperator non potest se abdicare imperium etiam minime particule, quia per minimas particulas perveniretur ad interemptionem totius, totum dividendo per frustra... Tamen si vere consideremus in casu nostro, Imperator nihil de statu minuit sed auget..."

⁷⁶ Baldus, on C. "De Novo Codice Componendo," n. 26.

⁷⁷ *Ibid.*, n. 31.

⁷⁸ *Ibid.*

the exercise of his princely power. Thus, by public law, the Donation of Constantine was inadmissible.

Italian lawyers were not alone in their denial of the legality of the Donation. French publicists had long been vociferous in their denunciations of the Donation with the intention of denying to the Pope any temporal jurisdiction over the realm of France. John of Paris, for example, saw it as an illegal transfer of temporal power to a spiritual ruler.⁷⁹ Baldus' teacher and mentor, Bartolus, however, while denying the legality of the Donation, declared that, as a gift made to God, it was not subject to ordinary legal restrictions; it was extralegal rather than illegal.⁸⁰ His famous student showed no originality in his treatment of the question as he, too, denying the legality of the Donation, supported it as a miracle.⁸¹ We are here faced with an attempt on the part of the post-glossators to explain a phenomenon which confronted them.⁸² In his discussion of the problem in the prologue to the *Digest* Baldus admits that he is forced to recognize the *de facto* existence of papal lands since he himself is residing in them.⁸³ It would not seem too harsh to admit that Baldus' loyalty to the Church prevented a rigid application of the legal principle in this case.

The Inalienable Rights of Office

Among the acts forbidden to the ruler was the alienation of public property necessary for the public welfare.⁸⁴ Even a private pact was rendered invalid if it harmed the public interest⁸⁵ while a law already enacted could not be renounced if it were for the public good.⁸⁶ The

⁷⁹ Cf. John of Paris, *Tractatus de Potestate regia et papali*; in Goldast, *Monarchia*, 2, 1094 ff.; also his *Quaestio in Utrumque partem*, in Goldast, *Monarchia*, 2, 98 ff. Also Dante, *De Monarchia*, III, chap. x. A further list of opponents is given by Gierke, *Political Theories*, 182, n. 283.

⁸⁰ Cf. Bartolus, in *Dig., prooem.*, nn. 13-14.

⁸¹ Baldus, *Cons.* 111, 159, n. 3: "... nisi Rex aliquid ordinaverit in praedictum Regni quia talis ordinatio ruit cum concessione si laederet enormiter ipsum Regnum. Nam quicquid dicatur de donatione Constantini quae fuit miraculosa, si similes donationes fierent a regibus, non ligarent successores, quibus regni tutela non dilapidatio est commissa."

⁸² Cf. Peter Riesenburger, *Inalienability of Sovereignty in Medieval Political Thought* (New York, 1956), 151-53. For the whole question of alienation and the fisc in England see the outstanding work by Robert S. Hoyt, *The Royal Demesne in English Constitutional History: 1066-1272* (Ithaca, 1950).

⁸³ Baldus, on *Lib. Feud. prooem.* nn. 32-33: "... nos summes in terris amicis et ideo dico quod ista donatio valuit... sed volens favere ecclesiae dico quod ista donatio valuit."

⁸⁴ Cf. *Cod.* xi. xxvii. 3, n. 2.

⁸⁵ Cf. *Dig.* ii. xiv. 7. 14.

⁸⁶ Cf. *Dig.* ii. xiv. 38.

rule prohibiting alienation of property or public rights was patterned on the Church's legislation forbidding alienation of Church property by bishops and clerics.⁸⁷ The same privilege was extended by the jurists to public property within the feudal context, forbidding any sub-infeudation without permission of the overlord as well as any act harmful to the kingdom of empire at large.⁸⁸ Ever mindful of feudal practice, Baldus noted that property may be enfeoffed and alienated by the ruler for the good of the realm.⁸⁹ Many of his *consilia* dealt with the obedience owed by Dukes and Counts to the Emperor from whom they held land.⁹⁰ A ruler's acts relative to property transference were easily delineated since property is tangible but Baldus also extended the protection of inalienability to more intangible realities — crown and princely dignity.

Corona et Dignitas

By the twelfth century the use of the term *corona* to signify public land and common utility was well established. Glanville, for example, began his tract, *On the Laws and Customs of the English Realm*, with the words: "Ad coronam domini regis pertinent ista."⁹¹ Echoes of this occur in Bracton's clear distinction between the king and the crown:

Est etiam res quasi sacra res fiscalis, quae dari non potest neque vendi neque ad alium transferri a principe vel a rege regnante, et quae faciunt ipsam coronam et communem respiciunt utilitatem, sicut est pax et iustitia quae mutas habent species...⁹²

Bracton is utilizing the crown as a symbol of the public capacities of the ruler as opposed to the private; there was no question, however, of a *persona ficta* or "personified state" at this period, although in Gaines Post's judgment, a "cryptocorporative" concept was slowly emerging.⁹³

⁸⁷ "Nam quilibet episcopus, qui immediate domino papae subest, iurat ei fidelitatem, quod non alienabit bona ecclesia, nec infeudabit de novo, et idem iuramentum praestant alii episcopi suis metropolitanis." *Glossa Ordinaria* on c. 8, X, 3, 13,5, *sacramento*. For the properties concerned see c. 5, X, 3, 13, *Nulli liceat* and the pertinent gloss.

⁸⁸ Baldus on *Lib. Feud.* 11, tit. 52: "... nemini licere beneficia, quae a suis a senioribus habeant, sine ipsorum permissione distrahere, vel aliquod commercium adversus tenorem constitutionis excogitare per quod Imperii vel dominorum minuatur utilitas." Baldus, *Cons.* 111, 121: "Secundo alia principali ratione: quia cum castra, de quibus quaeritur, sint feudalia ipsius domini Imperatoris, non potest de iure castrorum sine licentia Imperatoris compromitti, vel in domino Regis iurisdictio prorogari. Constat enim quod dominus comes est vasallus imperii."

⁸⁹ Cf. Baldus, on D. 1, 12, 14, n. 6.

⁹⁰ For example, *Cons.* 11, 318, n. 1: "An consuetudine possit induci, quod vasallus alienet feudum." Many *consilia* deal with cases of a feudal nature. Cf. *Cons.* 111, 121.

⁹¹ *De Legibus et Consuetudinibus regni Angliae*, 1, 1-2; ed. Woodbine (New Haven, 1932) p. 42.

⁹² *Ibid.*, 2, 58.

⁹³ *Medieval Legal Thought*, chap. iv, pp. 163-238.

At the same time the royal *dignitas* was also made part of the formula and became more common in the course of the thirteenth century. Particularly in writs to the spiritual courts do we encounter pleas pertaining "ad coronam et dignitatem meam pertinent."⁹⁴ While the term *corona* referred "chiefly to the sovereignty of the collective whole of the realm,"⁹⁵ *dignitas* referred to the uniqueness of the royal prerogatives and the sovereignty as it rested in the king.

The crown as the sovereignty of the realm, or what we might call the *status regni*, and the royal *dignitas* or *status regis* were both necessary for the preservation of the realm. The sovereignty of the whole protected the individual and the *status regis* or magistracy was necessary to guarantee this sovereignty. Consequently it was imperative that both be preserved intact and thus by the thirteenth century an inalienability clause was part of the coronation oath⁹⁶ in England, France and Hungary. The idea of such an oath may have had its origin in ecclesiastical law and the oath of office taken by those bishops immediately subject to the Pope who swore not to alienate ecclesiastical property,⁹⁷ but the actual form of the oath seems to depend on Roman Law since it is cast in terminology found in those sections of the *Codex* prohibiting alienation of public and ecclesiastical property. Key terms such as *iura illibata* and *illaesa* are found in the *Codex* and again in the coronation oath but not in the ecclesiastical oaths.⁹⁸ The form of the oath was well enough established by the fourteenth century that Baldus could note its universal nature:

⁹⁴ Glanville, *De Legibus*, iv, 13: "Et quoniam lites de advocacionibus ecclesiarum ad coronam et ad dignitatem meam pertinent." x, 1: "Placitum quoque de debitis laicorum spectat ad coronam et ad dignitatem domini regis." xii, 21: *Breve de prohibendo placito in curia christianitas de laico feodo*: "Rex illis indicibus ecclesiasticis solutem. Prohibeo vobis ne tenetis placitum in curia christianitatis quod est inter R. et N. de laico feodo predicti R., unde ipse queritur quod predictio N. trahit eum in placitum in curia christianitatis coram vobis, quia placitum illud spectat ad coronam et ad dignitatem meam."

⁹⁵ Kantorowicz, 284. For England see H. G. Richardson, "The Coronation Oath in Medieval England: The Evolution of the Office and the Oath," *Traditio*, 16(1960), 3, 202. The author argues that the coronation inalienability clause first appeared in the oath of Henry II in 1154.

⁹⁶ For the various views of this subject see Post, *Medieval Legal Thought*, 415 ff.

⁹⁷ Cf. Kantorowicz, 348-50; Richardson, *Traditio*, 26 (1960), 151-53. It was cited often in the *Decretals* and the *Glossa* on it. See *Glossa* ad c. 8, X, 3, 13, v. *sacramento*; Title xiii of Bk. 3 in the *Decretals* deals entirely with the question of alienation. For the oath see c. 33, X, 2, 24, and pertinent *Gloss*.

⁹⁸ Cf. Gaines Post, *Medieval Legal Thought*, 416 ff. for pertinent passages from the *Codex*. Peter Crassus turned to Roman Law concepts in this area as a foundation for his arguments in favor of the emperor. It was his task to preserve the Empire *illaesum*. *Defensio Henrici Regis*, ed. L. de Heinemann in *MGH* (Libelli de Lite) 1, (Berlin, 1826-96) 432-53.

Nota quod omnes reges mundi in sua coronatione debent iurare iura regni sua conservare et honorem coronae.⁹⁹

Further, such an oath rendered invalid any act of the ruler which would impair his dignity, that is, lessen his power or rights.¹⁰⁰ Furthermore, it implicitly denied a ruler the power to bind his successors to an unwarranted alienation of any sort.¹⁰¹ This allowed a ruler to repossess any rights, properties or privileges which may have been lost by a predecessor. We can recall Louis IX's rejection of the *Magna Carta* on the basis of just such a principle. It proved to be an invaluable aid to absolute monarchy although it was not intended as such.

A general view of the doctrine of inalienability and the areas in which it was operative points to a clear recognition by Baldus and his contemporaries of a public sphere distinct from the person of the king and the people. The fisc as the financial foundation of the *regnum* was preserved from infringement on the part of the people, particularly, of course, the great lords, and from manipulation on the part of the ruler for his own personal ends. At the same time the fisc could demand the "fiscal obedience" of the people in case of public need. Arbitrary acts of the prince were prohibited by the alienation doctrine on the principle that they impaired the *corona* or *dignitas*. Both Edward I and Richard II were charged with acting in a manner prejudicial to the Crown and the Royal Dignity. No ruler could forfeit the ordinary rights or public possession of body-politic of which he had charge. The body-politic was immortal and unchanging despite dynastic or personal changes. It was the doctrine of inalienability which ensured this continuity of the realm.

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⁹⁹ Baldus, on c. 33, X, 2, 24, n. 3.

¹⁰⁰ Baldus, *Cons.*, 1, 271, n. 3: "Dum tamen non faciat aliquem contractum, per quem Monarchia Regni, et honor coronae diminui possit, et Extra *de iurjurando* in c. "intellecto." (c. 33, X, 2, 24).

¹⁰¹ Cf. *Cons.* 1, 271, n. 5: "Quaero igitur, utrum ex delicto regis teneatur eius successores... Modo quantum ad primum... dico, quod aut deliquit in forma delicti, puta per furtum, vel rapinam, et non obligatur Respublica, vel fiscus: hoc non pendet ex administratione regni, nec in hoc est persona publica, sed privata..."

Mediaevalia

WILLIAM OF PAGULA AND THE *SPECULUM REGIS EDWARDI III*

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The little treatise *Speculum Regis Edwardi III*, generally attributed to Simon Islip, archbishop of Canterbury (1349-1366), has been well known to writers on English constitutional history and to lexicographers from the middle of the 17th century. The great legal writer Edward Coke possessed a copy which had at one time belonged to William Warham, archbishop of Canterbury (c. 1450-1532), and used it in his *Institutes of the Laws of England*.¹ After Coke, who indeed seems to have been the first to draw attention to the *Speculum*, there are some references to the treatise in Spelmann's *Glossarium Archaiologicum*, Du Cange's *Glossarium* (citing Spelmann), Hook's *Lives of the Archbishops of Canterbury*, and notably in Stubbs' *Constitutional History*, where several passages are printed from MS. Bodley 624.²

It was not, however, until M. Joseph Moisant published his doctoral thesis *De Speculo Regis Edwardi III seu tractatu quem de mala regni administratione conscripsit Simon Islip* (Paris, 1891), that a full text of the *Speculum* first became available in print. Moisant, who had discovered some ten MSS of the work in England, was forced to the conclusion that two recensions of the *Speculum* had circulated in England in the Middle Ages, and he decided that it was better to publish both. The first recension ('Recensio A', printed by Moisant at pp. 83-123) bore the title *Epistola ad Regem Edwardum III*, and is extant in five MSS (Oxford, Bodleian Library, MS Digby 172, ff. 134v-141r; London, British Museum: MSS Cotton, Cleopatra D IX, ff. 87r-112r and Faustina B I, ff. 184r-191r, Royal 10 B XI; Cambridge, University Library, MS Kk. iv. 4. ff. 49r-54v). The second recension ('Recensio B', printed at pp. 127-169) is properly the *Speculum Regis*, and is to be found on its own in another five codices (Oxford, Bodleian Library: MSS Bodley 624, Rawlinson C.606; London, British Museum: MSS Add. 15673, Harley 2399 and 6237).

¹ See British Museum, MS. Harley 6237, a copy of the *Speculum* made in 1728, 'ex codice olim Willemi Warham archiepiscopi Cantuariensis, postea Edwardi Coke, militis, ... nunc penes Th. Coke, militem de Balneo.'

² E. Coke, *The Second Part of the Institutes of the Laws of England*, (London, 1633), 545; H. Spelmann, *Glossarium Archaiologicum*, 3rd ed. (London, 1687), 468-469, s.v. *Prisae regiae*; C. du Fresne du Cange, *Glossarium mediae et infimae latinitatis*, ed. L. Favre, 6 (Paris, 1938), 506-507; W. F. Hook, *Lives of the Archbishops of Canterbury*, 4 (London, 1865), 136; W. Stubbs, *The Constitutional History of England*, 2 (Oxford, 1880), 408, 439, 585, 587. See also M. McKisack, *The Fourteenth Century 1307-1399* (Oxford, 1959), 296.

Although the two recensions — *Epistola* and *Speculum* — never occur together in any manuscript, Moisant felt confident that they were nothing more than two versions of the same work, and that their sole author was archbishop Simon Islip. He had good reason. For if the 14th century MSS of the *Speculum* (Bodley 624, Rawl. 606, Add. 15673) explicitly ascribe the work to Islip, so also do two of the three 14th century MSS of the *Epistola* (Cleo. D IX, Faustina B I). Besides, internal evidence showed a close relationship between the two recensions. The incipits are similar — ‘O domine mi rex, ex quo respublica tibi committitur gubernanda’ (*Epistola*); ‘O domine mi rex, utinam saperes et intelligeres ac novissima provideres’ (*Speculum*) — there are some common passages and, more significantly, there are two explicit references to the *Epistola* in the *Speculum*, e.g., ‘Multe sunt alie cause de quibus tractatur in quadam summa modica que sic incipit, O domine mi rex, ex quo, etc.’ (p. 132). Concluding therefore that the *Epistola* and the *Speculum* were two versions of the same work of Islip, Moisant allowed that there was an appreciable time-lag between them, the *Epistola* being written about 1337, some twelve years before Islip became archbishop of Canterbury, the *Speculum* shortly after he was made archbishop in 1349.

Ten years after the publication of Moisant’s thesis, Professor James Tait argued convincingly against these dates, maintaining instead that the *Epistola* was not later than 1331, and that it preceded the *Speculum* by only a few months. Because of this early date, Simon Mepham, archbishop of Canterbury (1328-1333), seemed to Tait to be a more likely author of the *Speculum* than Simon Islip; and since the two treatises ‘have hardly a passage in common’, he doubted that the author of the *Speculum* was also the author of the earlier *Epistola*.³ The present writer, in an article some years ago which suggested that the author of the *Epistola* was really William of Pagula, accepted without reserve these two conclusions of Tait.⁴ Now, however, I am convinced that the author also of the *Speculum* is again none other than Pagula.

At the risk of repeating some points made in the previous article, a few remarks must be made about the authorship and date of the *Epistola* before going on to consider the *Epistola* and *Speculum* together.

A native of Paull (Pagula) in Yorkshire, William Poul of Pagula (or William of Pagula, as he is commonly known) was admitted as a deacon to the perpetual vicarage at Winkfield in Windsor Forest, some three miles to the south-west of Windsor, in March 1314, and was ordained priest on the Whit Saturday following (1 June) in Canterbury Cathedral by Archbishop Reynolds.⁵ After some years at Oxford, where he obtained a doctorate in canon law in 1319-1320, Pagula returned to Winkfield, writing there most of his *Oculus sacerdotis*, an influential *summa* of canon law and sacramental theology for the parish clergy, and completing his *Summa summarum*, a lengthy compendium of law and theology.⁶ In November

³ J. Tait, “On the date and authorship of the ‘Speculum Regis Edwardi’”, *English Historical Review*, 61 (1901), 110-115.

⁴ L. E. Boyle, “The *Oculus Sacerdotis* and some other works of William of Pagula”, *Transactions of the Royal Historical Society*, 5th ser., 5 (1955), 81-110.

⁵ Lambeth Palace Library, The Register of Archbishop Reynolds, fol. 11r. I owe this important reference to Dr John R. Wright.

⁶ On Pagula see A. B. Emden, *Biographical Register of the University of Oxford*, III (Oxford

1332 he was succeeded at Winkfield by Master John de Lavyngham, and since no trace of him has been found after that, it may be presumed that he died sometime in the summer or autumn of 1332.⁷

The evidence for Pagula's authorship of the *Epistola* is very solid, and recently has been confirmed further by an entry in a list of books acquired for Glastonbury Abbey by Abbot Walter de Moynton (1341-1374: '(tractatus) magistri Willelmi Paul ad regem et ministros suos'.⁸ For among the five works attributed to Master William (Poul) of Pagula, vicar of Winkfield 'prope forestam de Windsor', by the early 15th century writer known as 'Boston of Bury', there is a title, 'ad regem Angliae Edwardum III, epistola i', which corresponds exactly to the explicit of the *Epistola*: 'Explicit epistola edita ad dominum E. regem Anglie' (MS. Digby 172, f. 141r).⁹ The *Epistola* itself corroborates Boston of Bury. Clearly it was written by a parish priest in the Forest of Windsor during the last eighteen months of William of Pagula's known tenure of the vicarage at Winkfield — and by one who had canon and civil law at his finger-tips: there are many references to Gratian and the Decretals;¹⁰ Hostiensis and Joannes Monachus are cited;¹¹ and, as in so many passages in Pagula's other works, the excommunications attached to Magna Carta are invoked, together with the Lambeth constitutions of John Pecham.¹²

The precise date of Pagula's *Epistola* is at the centre of its relationship to the *Speculum regis*. The *Epistola* is an appeal from a priest in Windsor Forest for letters of protection for himself and his parishioners against the royal prerogative of purveyance¹³ — against the right, that is, of the King and his family to buy provisions at the very lowest rate, to compel owners to sell, and to enforce personal labour. The King, obviously, has just begun his reign. Reminding him of his father's untimely end and of the fate that 'lately' has overtaken Roger Mortimer,¹⁴ and

1959), 1536-1537; L. E. Boyle, "The *Summa summarum* and some other English works of canon law", *Proceedings of the Second International Congress of Medieval Canon Law*, ed. S. Kuttner and J. J. Ryan (New Haven-Vatican City, 1965), 415-456.

⁷ Salisbury Diocesan Registry, Reg. Wyvil II (2), fol. 19r. Four months afterwards Lavyngham was given an office that Pagula had held, that of penitentiary of the Deanery of Reading (*ibid.*, fol. 15v); he did not vacate Winkfield until 1347 (*ibid.*, fol. 160v).

⁸ Cambridge, Trinity College, MS 711, p. 246, n. 22. I owe this reference to the kindness of Mr N. R. Ker.

⁹ Boston of Bury, *Catalogus Scriptorum Ecclesiae*, in T. Tanner, *Bibliotheca Britannico-Hibernica* (London, 1748), introd., xl. On Boston see R. H. Rouse, "Bostonus Buriensis and the author of the *Catalogus Scriptorum Ecclesiae*", *Speculum*, 41 (1966) 471-499.

¹⁰ *Epistola*, ed. Moisant, 87, 88, 91, 93, 98, 99, 104, 108-111 (Decretum); 104, 111, 112, 115 (Decretals); 110 (Sext).

¹¹ But not in Moisant's edition. The references to these writers will be found in the MS upon which he based his text, MS Digby 172, fols. 138ra, 139rb. Where Moisant does print legal references they are often inaccurately rendered, as when (p. 106) he omits a part of a reference to the civil Digest and considers what he has retained as a reference to the Decretals (*ibid.*, fol. 138rb). There is a reference to the Codex on fol. 139rb (see Moisant, 113). Throughout the *Epistola* there are references to or citations from Aristotle, Augustine, Cassian, Cassiodorus, Gregory the Great, etc.

¹² *Epistola*, ed. Moisant, 100.

¹³ *Ibid.*, 116.

¹⁴ *Ibid.*, 120: 'Nunc eciam ultimo, iste magnus dominus Roger le Mortimer captus et interfectus est'.

of his debt of gratitude to God who 'has freed him miraculously' from the control of Mortimer and Isabella (October 1330),¹⁵ Pagula upbraids Edward for the fact that more abuses of purveyance have taken place 'in the short time' he has been reigning than in the whole reign of his father.¹⁶ He therefore urges the 'ductores regis' to direct Edward's first steps in ruling on his own, asking them to make sure that the King and his household observe the common law in 'buying and selling'.¹⁷ All through the *Epistola*, Pagula calls on the King to abolish the 'infamous prerogative' or at least to stem the abuses, warning him that ill-feeling was rife and could lead to serious consequences.¹⁸ Here, I am sure, Pagula was not inventing. In November 1330, the month after Edward first assumed real power, the counties of Somerset and Dorset protested strongly against purveyance; and ten months later (September 1331), Parliament attempted to put a brake on the whole system.¹⁹

The *Epistola*, in fact, probably reflects the situation in England just at the beginning of 1331. For if Pagula were writing after the Peace of Amiens had been signed between Edward and Philip of France in April 1331, he would hardly have stated to Edward that England had had no peace within herself or with her neighbours since Edward I first introduced the 'devilish' prerogative of purveyance in the 18th year of his reign (1289-1290). What is particularly interesting about this passage of the *Epistola* is that it has a close parallel in the *Speculum*. But the *Speculum*, while making the same general point about purveyance as the *Epistola*, notes that the only time that the peace is broken now is when the 'prerogative' is put into practice by the King and his family; that otherwise a state of peace prevails in England 'in the past year', the like of which the country 'has not experienced since your grandfather Edward I introduced purveyances'. Here, of course, as on so many occasions, the *Speculum* is echoing the *Epistola*, but it is surely significant that in the common reference to the fateful effects on peace of Edward I's introduction of purveyance, the *Speculum* allows that there is general peace at last where the *Epistola* laments that the country has yet to experience it. The *Epistola* and *Speculum* thus appear to fall on either side of Edward III's homage to Philip of France at Amiens in April 1331: Pagula's *Epistola* sometime in the previous four or five months, the *Speculum* probably a year or so after the Peace.²⁰

¹⁵ *Ibid.*, 99.

¹⁶ *Ibid.*, 105.

¹⁷ *Ibid.*, 120: 'Et ideo moneo vos ductores regis, ex parte Dei, ut ipsum bene et sapienter ducatis, saltem ut ipse et illi de familia sua in empconibus et vendicionibus observent ius commune'.

¹⁸ *Ibid.*, 88: 'Sed nunc est clamor quasi per totam hanc terram quod rex et sui vivunt de huius rapina'; 96: 'propter huiusmodi rapinas et iniusticias, quasi totus populus tristatur contra adventum tuum ubicumque veneris in regnum tuum, et tecum non sunt mente licet tecum videantur corpore; et forte, si caput aliud haberent, insurgerent contra te, sicut contra patrem tuum fecerunt...'

¹⁹ *Rotuli Parliamentorum*, 1278-1503, II (London, 1768), 40, 62.

²⁰ If the peace 'after forty years' of which the *Speculum* speaks, does not refer to the period after April 1331 (the calm before the storm, as it turned out), it is not easy to see why the household administration of the King of France should be held up for Edward's imitation: 'Vide dominum regem Francie, quanto moderamine, quam sapienter, quam sagaciter, facit expensas domus sue...' (158).

Epistola (p. 115)

O domine mi rex, si predicta non poterint te movere, audi nunc quid actum fuerit de bonis illorum qui utebantur illo privilegio. ... Postmodum, tempore illius nobilis regis Edwardi avi tui, in principio regiminis sui, ut dicitur, nichil capiebat contra voluntatem dominorum rerum usque ad xviii annum regni sui, et toto illo tempore fuit pax et gaudium in regno isto. Sed in xviii anno regni sui incepit uti illo prerogativo diabolico, scilicet, capere oves, boves, fenum et avenam et alia multa pro minori precio quam venditor dare voluerit. Et tunc contra ipsum orta fuit guerra in Vasconia, Vallia et Scotia; et usque ad mortem utebatur illo prerogativo maledicto. Et ab eo tempore, nunquam fuit bona pax in terra ista.

Speculum (p. 167)

O domine mi rex, adverte diligenter

quod iam quadraginta annis elapsis, scilicet, ab illo tempore quo ille nobilis rex Edwardus, avus tuus, incepit uti illo predicto prerogativo, scilicet, capere res alienas pro minori precio quam venditor voluerat dare,

non fuerat tanta pax in hac terra sicut nunc et jam fuit anno lapso; preterquam in partibus illis in quibus tu transitum facis.

The passages cited above are sufficiently close to one another to suggest that the author of the *Speculum* had Pagula's *Epistola* before him. This is not at all surprising, for on two occasions he refers the King to the *Epistola* for details of abuses: 'Et qui sint illi errores (tue curie), vide in quadam summa modica que sic incipit: O domine mi rex' (p. 129); 'Multe sunt alie cause de quibus tractatur in modica summa que est: O domine mi rex, ex quo, etc.' (p. 132). Besides, there are numerous sentences and phrases which are common to the two treatises. Both speak of Edward's emancipation from Isabella and Mortimer in much the same terms: 'O domine mi rex, ex quo nunc, benedictus Deus, miraculose liberatus es a custodia illorum qui talia permiserunt' (*Epistola*, p. 94); 'Et ne tradas oblivioni quam gracie, quam miraculose, a custodia matris tue et aliorum fueras liberatus' (*Speculum*, p. 128). And both treatises have much the same admonition for the King: 'O domine mi rex, premissis auditis et intellectis, te moneo ex parte Dei omnipotentis et sancte ecclesie, et te deprecor ex parte populi tui Anglicani, quod in empcionibus et vendicionibus observari facias jus commune, videlicet, ut nullus de tua curia, nec alius quicumque, capiat res aliquas pro minori precio quam venditor voluerit eas dare, nec aliquis invito domino res aliquas capiat alienas' (*Epistola*, p. 122); 'Et ideo domine rex, ... te consulo, te rogo, ex parte Dei omnipotentis et sancte ecclesie, et ex parte populi anglicani, ... ut facias statui et ordinari ne quis, sub gravi pena, capiat bona alicuius contra suam voluntatem, sed res emat sicut cum venditore poterit convenire, ...' (*Speculum*, p. 133)

In fact, if the *Speculum* and Pagula's *Epistola* are examined side by side, it soon becomes evident that the *Speculum* is really a follow-up of the *Epistola*, if for no other reason than that the common phrase, 'O domine mi rex', with which the two works open, occurs time and again, and, indeed, introduces new chapters some thirteen times each in the *Epistola* and *Speculum*. Both treatises certainly have the same purpose, to persuade the King of the evils of the purveyance system, but where the *Epistola* is a documented attack on the 'maledictum prerogativum' from an historical, legal and moral point of view (with a wealth of citations from Scripture, the Fathers and legal sources), the *Speculum* is a more simple but no less effective

meditation upon the words of Deut. 32, 39: 'Utinam sapires et intelligeres ac novissima provideres'.²¹ This text is introduced at once in the incipit ('O domine mi rex, utinam...'), and it rings out at regular intervals (ten at least) throughout the *Speculum*, serving as a point of departure for each new complaint: lavishness, neglect of the poor, and especially the iniquities of purveyance, e.g., 'O domine mi rex, utinam sapires ac intelligeres ac novissima provideres. Saperes, id est, intime cogitaris quid prodest, et prodesse tibi poterit, habere amorem Dei et populi tui anglicani... Et ego dico tibi, coram Deo, quod nunquam habebis... quamdiu servientes tui, te consensiente, capiunt res alienas pro minori precio quam venditor velit dare' (*Speculum*, pp. 163-164).

If both treatises are obsessed by the 'maledictum prerogativum', their authors write out of the same harrowing experiences. Pagula's *Epistola* is precisely an appeal to Edward from the locality of Windsor ('where you were born') for protection for himself and his parishioners against the depredations of royal servants.²² Commissioners of the King, Pagula says, and of the Queen and his son and daughter, are making outrageous demands upon the 'parochiani' of the Forest of Windsor, compelling them at times to neglect their households and tillage for days on end. They commandeer horses and carts, they appropriate victuals, fodder and bedding, yet pay grossly unfair prices (and sometimes nothing at all) for what they requisition or buy.²³ The *Speculum* makes more or less the same charges, speaking on several occasions of the terror which visits of the King and his party induce in the inhabitants of rural villages. Official after official will arrive before the King and demand hay and the like for the King's horses,²⁴ or take chickens 'for your table' from some poor woman.²⁵ This, indeed, is a sad state of affairs: 'Erubescere enim potest tota gens anglicana habere regem in cuius adventu populus contristatur communiter, et in recessu suo letatur' (*Speculum*, p. 131).

For William of Pagula in his *Epistola* (p. 103), all these things are 'notoria in partibus de Wyndesore'. The *Speculum* does not mention Windsor, but one passage,

²¹ The *Speculum* confines itself more to Scripture than the *Epistola*, although there are a few citations from Ambrose, Augustine, Bernard, Gregory. A long section is taken up (150-159) with reflections (generally with reference to purveyance) upon the advice of St Louis of France to his son, Philip.

²² *Epistola*, 106: 'et de hoc fit magnus clamor populi in partibus de Windesore ubi traxisti originem, quamvis ratione originis tue, deberes illis magis parcere quam aliis qui alibi morantur...'

²³ *Ibid.*, 100: 'O domine mi rex, erubescere et contremisce, quando a te petuntur huiusmodi littere protectionis. Nichil aliud est dicere in effectum nisi: domine rex, non a regendo sed a rapiendo concede michi litteras tuas, scilicet protectionis... Item, illi de familia tua capiunt de foresta de Wyndesore et locis vicinis, homines, caretas, et equos pauperum; et compellunt eos recedere a domibus propriis per x leucas, et ibidem carriare boscum non solum per tres vel quatuor dies sed per multos, et pro labore solvere promittunt sed nichil solvunt'.

²⁴ *Speculum*, 135: 'Recte consimiliter est de precursoribus tuis. Quandocumque audiuntur rumores de adventu tuo et auditur unum cornu, contremiscit fere quilibet qui est in villa. Postmodum venit precursor tuus ad villam, et omnes videntes eum tristantur et expavescunt. Non dicit eis: ne timeatis; sed dicit quod vult habere avenam, fenum, lituram pro equis domini regis... Postmodum venit alius eodem modo, et dicit quod vult habere aucas, gallinas et multa alia. Deinde venit tercius, et ipse vult habere frumentum, etc...'

²⁵ *Ibid.*, 159.

where the writer tells the King exactly how much it costs to maintain his magnificent horses, does bring Windsor to mind.²⁶ And I think that Winkfield, some three miles away in the Forest, is the scene of one moving passage where the author sums up the dread people feel at the King's approach: 'As for myself, I am compelled in truth (which is God) to tell you that as soon as I hear your horn and know that you are near, I begin to tremble all over, no matter where I am, in the open, in church, at Mass, at home, or in my study. And if one of your servants knocks at my gate I tremble all the more; and still more if he is actually at my door. And this fear does not leave me while you are in the neighbourhood, because of the untold evil that those who say they belong to your curia may be doing to the poor' (*Speculum*, p. 134).

As vicar of Winkfield, some three miles from Windsor, William Poul of Pagula more readily than any other fills this vivid picture of the fear of the local priest at the approach of the King and his retainers. And after almost twenty years as parish priest, he certainly was in a position to know more than most ecclesiastics about the cost of the upkeep of the King's stables and the wages of the grooms. The numerous parallels, and the obvious continuity, between the *Epistola* and the *Speculum* are indeed so striking, that Pagula must be the author of the *Speculum* as he is without doubt the author of the *Epistola*.²⁷

In early 1331 he had written the *Epistola* to protest the repeated acts of purveyance with which his parish at Winkfield was being ruined. The Peace of Amiens in the following April had, however, destroyed his nice point about the continual state of war and the lack of peace that had resulted from Edward I's introduction of purveyance. The *Speculum*, written about a year after that Peace, was Pagula's attempt to recover some ground, and to make sure that the *Epistola* did not go unread and unheeded by the King, now that the country appeared to be at peace. England, he says in the *Speculum*, may indeed seem to have peace now for the first time for over forty years, but the 'pax et gaudium huius terre, que iam fuerint anno isto' will surely come to nothing if purveyances are not put down. And just as he had warned the King in the *Epistola* (p. 96) that the people, given the leadership, 'insurgerent contra te, sicut contra patrem tuum fecerunt', if he does not redress grievances at once, so again in the *Speculum* (pp. 167-8) he voices the same fear: 'valde timendum est quod insurgeret contra te populus huius terre'.

Edward, of course, had grown up in years when purveyance was accepted as part of the royal way of life. Pagula, it seems, had little or no confidence that the well-placed 'iuris periti' (*Epistola*, p. 87) and 'clerici de curia' (*Speculum*, p. 162) would be very much inclined to encourage the King to change an established

²⁶ *Ibid.*, 143: 'Et nunc, domine rex, considera expensas quas facis per annum, circa unum magnum equum. Unus magnus equus habebit ad minus unum garcionem custodem qui recipiet, singulis diebus, denarium pro expensis suis; pro equo iterum capiet unum dimidium busselli avene, pretii i denarii, fenum, precii i denarii. Unde expense unius hebdomadae: ii solidi, vii denarii, obolum — de quibus quattuor pauperes vel quinque poterunt sustentari...'

²⁷ There is no point in discussing the fact that three late 14th century MSS. of the *Speculum* attribute the work to Simon Islip. Manuscript inscriptions are not infallible; and in any case there are also some 14th century MSS. which attribute Pagula's *Epistola* to the same Islip. Possibly Islip owned a copy of both works at some point (and he did castigate Edward for his expenditure), and copyists took his ownership for authorship.

and profitable sytem, although he does appeal in the *Epistola* (p. 120) to the 'ductores regis', and in the *Speculum* (pp. 162-163) to the 'viri litterati... cum domino morantes', to induce the King to do away with the 'prerogativum maledictum'. For his part, Pagula was determined that Edward should be left in no doubt about the just grievances — not to speak of hostile feelings — of the long-suffering people of Windsor Forest and elsewhere.

Pagula obviously felt that he was in a strong position to influence the young King and to better the condition of the people of Winkfield and the Forest. He had come to Winkfield when Edward was some two years old, and the paternal tone throughout the *Epistola* and *Speculum* suggests that he knew the King well, and was simply putting down in writing before it was too late what he had often told Edward in person: 'O domine mi rex, he says towards the end of the *Speculum* (p. 159), obsecro te ne irascaris si adhuc semel loquar tibi'. He had, he also notes in the *Speculum*, often before begged the King to abolish purveyances, but had had no satisfaction: 'Sed in brevi, timendum est quod nisi predicta facias emendari, ... timendum est quod Deus te non exaudiet, *quia multocius pro pauperibus ad te clamavi, ut tolleres de terra ista illud maledictum prerogativum, ... et non exaudisti me*' (p. 160). One such instance, surely, was the *Epistola* of early 1331. And when that weighty appeal appeared not to be producing its effect, Pagula returned to the attack a year or more later in the more meditative *Speculum regis*.

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ALISOUN'S "COLER":
CHAUCER'S *MILLER'S TALE*, ll. 3239, 3242, 3265

ROBERT E. LEWIS

It will be apparent to the modern reader of Chaucer that the famous portrait of Alisoun in the *Miller's Tale* (ll. 3233-70 *et passim*) contains much animal imagery, that in fact Alisoun's personality is conveyed by the animal imagery. Her body is as slender and small "As any wezele" (3234);¹ she is "softer than the wolfe is of a wether" (3249); her song is like a swallow's (3257-58); she skips like a kid or calf (3259-60), and is skittish as a colt (3263). Her husband the Carpenter "heeld hire narwe in cage,/ For she was wyldre and yong" (3224-25), and, when Nicholas "heeld hire harde by the haunchebones" (3279), she "sprong as a colt dooth in the trave,/ And with hir heed she wryed faste away" (3282-83). What will not be apparent to the modern reader, because of its present meaning, is that the word *coler*, used three times in Alisoun's portrait (ll. 3239, 3242, 3265), contributes to the same imagery.

The word *coler* (and its variants) is used only seven times in all of Chaucer's works, and not always with the same meaning. In the *Romaunt*, l. 1190 (dated ?al 400 by the *MED*), which may or may not be by Chaucer, the word is used in its modern sense (*MED*, *coler*, sense 1a); in *Troilus and Criseyde*, V, l. 811, the word is used of a necklace (*MED*, *coler*, sense 2); in *Troilus and Criseyde*, V, l. 1660, the word is probably used of the neckband on Diomedes's "cote-armure," though very little is known about this heraldic garment; in the *Knight's Tale*, l. 2152, the word is used of dog-collars (*MED*, *coler*, sense 4c). The remaining three — nearly half the number of appearances — are from Alisoun's portrait in the *Miller's Tale*, and all three are used in the modern sense of 'An ornamental border at the neck of a garment, a collar' (*MED*, *coler*, sense 1a). Alisoun's collar is low (3265), attached to her smock, white in color (3242), and embroidered with black silk all around, inside and out (3238-40).

Middle English *coler* is from Old French *coler*, or *colier*, ultimately from Latin, *collare*, or *collarium*. The Latin words meant either *vinculi genus* 'a kind of band, chain, fetter' worn around the neck or *ornamenti genus* 'a kind of ornament' worn around the neck.² These meanings were retained (and expanded) by the Old French *coler*, or *colier*: 'a circle which goes around the neck, ornament of the neck'; 'a circle of metal, or leather, which is put on the necks of slaves, or on the necks of animals in order to fasten them'; 'horse collar'; also the derivative 'neck rim on coat of armor'.³ In Latin written in the British Isles in the Middle Ages, the

¹ All quotations and line numbers from the *Miller's Tale* are from F. N. Robinson, ed., *The Works of Geoffrey Chaucer*, 2nd ed. (Boston, 1957).

² The Latin definitions are from the *Thesaurus Linguae Latinae*, III (Leipzig, 1906-12), columns 1576-77 (translations my own). Other Latin dictionaries have essentially the same definitions.

³ The first two are translated from Frédéric Godefroy, *Dictionnaire de l'Ancienne Langue Française*,

most common meaning for *collarium* (and its variants) is 'horse collar' (ten citations), with 'collar, necklace' also common (nine citations), and a few appearances of others such as 'dog-collar', 'gorget (armour)', 'collar of livery', etc.⁴ In neither Latin nor Old French, therefore, were the words used in the modern sense, as with Alisoun's collar. In fact, in Old French the word for the collar attached to a garment was *colet*, which has remained, with the same meaning, in Modern French *collet*, whereas Old French *coler*, *colier* have remained, with their medieval meanings, in Modern French *collier*.

The word *coler* is not recorded in England in any sense until the early fourteenth century, and only one meaning of the word appears with any regularity before the end of the fourteenth century — 'a horse collar (to which the traces are attached)' (*MED*, *coler*, sense 4b), with citations from 1334, 1343, 1365, 1379; this meaning must have been a common one because, by 1366, the word *coler-maker* was used, without any qualification, for a maker of horse collars. The other meanings of *coler*, including those derived from Latin and Old French — 'A (gold) chain worn about the neck as an ornament or (by men) as a badge of office or honor; a necklace' (*MED*, *coler*, sense 2); 'A piece of armor protecting the neck, gorget' (*MED*, *coler*, sense 3a); 'A neck chain or fetter' (*MED*, *coler*, sense 4a); 'a collar put around the neck of a dog (or cat)' (*MED*, *coler*, sense 4c) — seldom appear before the end of the fourteenth century and are not used regularly until the fifteenth century. Middle English *coler* in its modern sense, 'An ornamental border at the neck of a garment, a collar' (*MED*, *coler*, sense 1a), as in the passage from the *Miller's Tale*, is not recorded until the end of the fourteenth century. The earliest citation in the *MED* is the passage from the *Miller's Tale*, l. 3265 (c1390); the next is from the *Romaunt*, l. 1190 (?a1400), not definitely ascribed to Chaucer; but there is nothing else listed until a1438.⁵

The reason for the late appearance of *coler* as 'An ornamental border at the neck of a garment, a collar' can be found in the costume of the fourteenth century.⁶

IX (Paris, 1898), 124: "cercle qui fait le tour du cou, ornement du cou; cercle de métal, de cuir, qu'on mettrait au cou des esclaves, qu'on met au cou des animaux pour les attacher." The third and fourth are translated from Adolf Tobler and Erhard Lommatzsch, *Altfranzösisches Wörterbuch*, II (Berlin, 1934), column 564: "Kummet"; "Halsrand, Koller am Panzer."

⁴ The definitions and figures are from R. E. Latham, *Revised Medieval Latin Word-List from British and Irish Sources* (London, 1965), 96. In the definition 'collar, necklace' I take 'collar' and 'necklace' to be the same thing, but even if they are not, there are only three appearances of the word with one or the other of the two meanings before the time of the *Miller's Tale*.

⁵ The reference to the collar on Diomedes's "cote-armure" in *Troilus and Criseyde*, V, l. 1660 should probably be added here also, but, as mentioned earlier, very little is known about this garment.

⁶ My discussion of costume is based mainly on the following: C. W. and P. Cunningham, *Handbook of English Mediaeval Costume* (London, 1952); Mary G. Houston, *Medieval Costume in England and France* (London, 1939; reprinted 1950); Herbert Norris, *Costume and Fashion*, II (London, 1927); Doreen Yarwood, *English Costume*, 2nd ed. (London, 1961). Since the middle and lower classes copied the fashions of the upper classes, but with a time lag before the fashions filtered down to them, the collar on Alisoun's smock is probably modelled on an earlier fashion of upper-class women, either the ornamental borders on the low-necked dresses of Edward III's reign or the fur plastron (a kind of detachable collar with dickey front) on the sideless surcoat that was worn over the cote-hardie during the same reign.

The mid and late fourteenth century — especially Richard II's reign (1377-99) — was a time of increasing luxury in dress and decoration. Lavish embroidery, often jewelled, appeared on the clothes of both men and women, especially at the neck and hems of women's clothes. It was probably during this period that the word *coler* began to be widely used for an 'ornamental border at the neck of a garment'. The collar as we know it (standing or folded over) did not appear until the late fourteenth century. During Edward III's reign (1327-77) the two main items of male clothing, the gipon (or doublet, or pourpoint) and the cote-hardie, had low necks, without collar; the same is true of the female cote-hardie. But by the end of the century for the male, slightly later for the female, high, standing collars appeared on these garments, probably appropriated from the houppelande, a long, flowing garment with high, standing collar that appeared c. 1380, perhaps through German or Spanish influence, worn first by the male and later by the female.

Though the *MED*'s earliest citation for *coler* with its modern meaning of 'An ornamental border at the neck of a garment, a collar' (*Miller's Tale*, cl390) does not indicate that *coler* had never been used with this meaning before, it does indicate, in conjunction with the evidence from costume, that this meaning probably originated in the second half of the fourteenth century and consequently the other meanings of *coler*, those derived from Latin and Old French, would still have been associated with the word when Chaucer wrote the *Miller's Tale*. Many of these other meanings — a 'neck chain or fetter', 'a collar put around the neck of a dog (or cat)', but especially 'a horse collar (to which the traces are attached)', a common, well attested fourteenth-century meaning of *coler* — fit into and further emphasize the animal imagery in the portrait of Alisoun and, like the many meanings of *hende* applied to Nicholas in the same tale,⁷ would doubtless have occurred to Chaucer's audience. For a poet who, in the *Miller's Tale*, is at his most skillful and subtle in manipulating words,⁸ the use of a word with as many meanings as *coler* three times in a short passage as full of imagery as the portrait of Alisoun would not be without design. The word *coler* contributes to the animal imagery of Chaucer's portrait of Alisoun and illustrates once again the great care and attention to detail that he lavished on that portrait.

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⁷ See E. T. Donaldson, "Idiom of Popular Poetry in the *Miller's Tale*," *English Institute Essays* 1950, ed. Alan S. Downer (New York, 1951), 122-25, and Paul E. Beichner, "Chaucer's Hende Nicholas," *MedSt.* 14 (1952), 151-53.

⁸ See, e.g., Donaldson's discussion, 116-40.

AVERROES, MOERBEKE,
AQUINAS AND A CRUX IN THE *DE ANIMA*

T. M. ROBINSON

ἐπεὶ δὲ ᾧ ζῶμεν καὶ αἰσθανόμεθα διχῶς λέγεται, καθάπερ ᾧ ἐπιστάμεθα (λέγομεν δὲ τὸ μὲν ἐπιστήμην τὸ δὲ ψυχὴν, ἑκατέρῳ γὰρ τούτων φαμέν ἐπίστασθαι), ὁμοίως δὲ καὶ [ᾧ] ὑγιαίνομεν τὸ μὲν ὑγιείᾳ τὸ δὲ μορρίῳ τινὶ τοῦ σώματος ἢ καὶ ὅλῳ, τούτων δ' ἡ μὲν ἐπιστήμη τε καὶ ὑγίεια μορφή καὶ εἶδος τι καὶ λόγος καὶ οἷον ἐνέργεια τοῦ δεκτικοῦ, ἡ μὲν τοῦ ἐπιστημονικοῦ, ἡ δὲ τοῦ ὑγιαστοῦ (δοκεῖ γὰρ ἐν τῷ πάσχοντι καὶ διατιθεμένῳ ἡ τῶν ποιητικῶν ὑπάρχειν ἐνέργεια), ἡ ψυχὴ δὲ τοῦτο ᾧ ζῶμεν καὶ αἰσθανόμεθα καὶ διανοούμεθα πρῶτως — ὥστε λόγος τις ἂν εἴη καὶ εἶδος, ἀλλ' οὐχ ὅλη καὶ τὸ ὑποκείμενον.
Aristotle, *De An.* 414^a 4-14.¹

Quoniam autem quo vivimus et sentimus dupliciter dicitur, sicut quo scimus, dicimus autem hoc quidem scientiam, illud autem animam, utroque enim horum dicimur scire. Similiter autem et quo sanamur, aliud quidem sanitas est, aliud autem pars quaedam corporis, aut etiam totum. Horum autem scientia quidem et sanitas, forma est, et species quaedam et ratio, ut actu susceptivorum, haec quidem ejus quod scientiae capax est, illa vero sanabilis. Videtur enim in patiente et disposito activorum inesse actio. Anima autem hoc quo vivimus et sentimus et movemur et intelligimus primo. Quare ratio quaedam utique erit et species: sed non ut materia et ut subiectum.

William of Moerbeke, tr. of above.²

Duorum, quorum utroque dicimur esse aliquid aut operari, unum, scilicet quod primum est, est quasi forma, et aliud quasi materia. Sed anima est primum quo vivimus, cum tamen vivamus anima et corpore: ergo anima est forma corporis viventis.

Thomas Aquinas, paraphrase *ad loc.*³

¹ The text is that of Sir David Ross, *Aristotle: De Anima* (Oxford, 1961). For a recent interpretation of the passage different to his own (though accepting the same Greek text) see R. K. Sprague, *Aristotle De Anima* 414^a 4-14, *Phoenix* 21.2 (1967) pp. 102-107. For an interpretation along the lines of Aquinas (and accepting a slightly different Greek text) see P. Siwek, S. J., *Aristotelis Tractatus De Anima* (Rome, 1965), *ad loc.*

² The text is that printed by A. M. Pirotta in *Sancti Thomae Aquinatis In Aristotelis Librum de Anima Commentarium* (Turin, 1936) p. 94.

³ *op. cit.*, Liber II, Lectio IV, # 271.

It is clear at once from the above that Moerbeke has reduced to some sort of coherence what in Aristotle is clearly an anacoluthon. In the Greek there are three causal clauses in series, the last of which deals with the nature of soul. The passage then concludes with a *ὥστε* clause, and one is left still looking for a main verb. What is more, the third of the causal clauses in the Greek involves an apparent contrast between *ἡ μὲν ἐπιστήμη τε καὶ ὕγεια* and *ἡ δὲ ψυχή*. Since, moreover, *ἐπιστήμη τε καὶ ὕγεια* are described as *μορφὴ καὶ εἶδος τι καὶ λόγος*, it is natural to assume that the contrasted soul will be described as *ἔλη* or *δεκτικόν τι*. But it is not. Instead it is described as *τοῦτο ᾧ ζῶμεν καὶ αἰσθανόμεθα καὶ διανοούμεθα πρώτως*, and Aristotle seems to see this statement as enough for him to conclude axiomatically that soul is *form* or definition (*λόγος*), rather than matter.

Moerbeke's translation is accurate enough, but fails to bring out the dependence (and perfect parallelism) of the three *ἐπεὶ* clauses, and lends a coherence to the sentence which is not evident in the Greek. This in turn misleads Aquinas into thinking the argument stronger and sounder than it is, and he syllogises it as follows:

(Major premiss) The phrase "that whereby we live and feel" has two senses, the one related to the other as form to matter. (*op. cit.*, #272)

(Minor premiss) The *soul* is that whereby *primarily* (primum) we live and feel and move and understand (*ibid.*, #273).

(Conclusion) Therefore soul is form or reason (ratio), rather than matter or substrate. (*ibid.*, #274).

Moerbeke's translation and Aquinas' comment make it clear that, of the two senses in which the 'cause' of *ὕγιαίνειν* and *ἐπίστασθαι* can be understood, for them Aristotle is saying that the more 'formal' cause is *ipso facto* 'prior' to the material cause. So far this seems an unimpeachably correct interpretation. What seems less clear, however, is the relationship, in Aquinas' account, of his major and his minor premiss. It will be the burden of the rest of this paper to suggest that the pseudo-coherence of Aristotle's original argument stemmed from a (witting or unwitting) exploitation of ambiguities within the term 'prior', and that Aquinas, misled by Moerbeke's over-neat translation, constructed a syllogistic paraphrase of it which is no less invalid, thanks to an ambiguous middle term.

Aristotle's main discussions of the senses of the term 'prior' (*πρότερος*) are to be found at *Cat.* 14^a 26-23 and *Met.* 1018^b 9ff. The most interesting for present purposes is the priority that is called 'priority in knowing' (*τῇ γνώσει*), which is further distinguished into priority in definition (*λόγος*) and priority in *sensation* (*αἴσθησις*), examples of the former being the universal and the accident, and of the latter the individual particular and the composite whole. As an example, *τὸ μουσικόν* is said to be 'definitionally prior' to *ὁ μουσικός*. It is important to notice here that *τὸ μουσικόν* and *ὁ μουσικός* are *paronymous* (cf. *Cat.* 1^a 12-15).

This sense of *πρότερος/πρώτος* as 'prior from the point of view of definitional precision' is fairly easy to detect. First, it is nearly always found with a part of the verb *λέγειν*. Secondly, it is frequently found in the *adverbial* form *πρώτως* rather than the adjectival form *πρώτος*. Thirdly, it is often combined with one or a number of the following adverbs: *μάλιστα*, *κυρίως* (or *κυριώτατα*), and *ἀπλῶς*. Fourthly, its antithesis ("definitionally secondary — in the sense of definitionally less precise") is usually of the linguistic form *δευτέρως*, *ἐπομένως*, etc. Fifthly, the discussion of priorities is often introduced by a generic statement of the form *πλεοναχῶς λέγεται*, or *πολλαχῶς λέγεται*, whose layers are then uncovered. Sixthly, a simple construction of the form *τὸ μὲν ... τὸ δὲ* will occasionally replace (or sup-

plement) *πρώτως* ... *δευτέρως*. Among a number of possible examples the following two are notable:

*Met.*1022^a 14-19

Τὸ καθ' ὃ λέγεται πολλαχῶς, ἓνα μὲν τρόπον τὸ εἶδος καὶ ἡ οὐσία ἐκάστου πράγματος, οἷον καθ' ὃ ἀγαθός, αὐτὸ ἀγαθόν, ἓνα δὲ ἐν ᾧ πρώτῳ πέφυκε γίγνεσθαι, οἷον τὸ χρῶμα ἐν τῇ ἐπιφανείᾳ. τὸ μὲν οὖν πρώτῳ λεγόμενον καθ' ὃ τὸ εἶδος ἐστι, δευτέρως δὲ ὥς ἡ ὅλη ἐκάστου καὶ τὸ ὑποκείμενον ἐκάστῳ πρώτον.

*Met.*1030^a 17-23

ἢ καὶ ὁ ὀρισμὸς ὥσπερ καὶ τὸ τί ἐστι πλεοναχῶς λέγεται; καὶ γὰρ τὸ τί ἐστιν ἓνα μὲν τρόπον σημαίνει τὴν οὐσίαν καὶ τὸ τὸδε τι, ἄλλον δὲ ἕκαστον τῶν κατηγορουμένων, ποσὸν ποιδν καὶ ὅσα ἄλλα τοιαῦτα. ὥσπερ γὰρ καὶ τὸ ἐστιν ὑπάρχει πᾶσιν, ἀλλ' οὐχ ὁμοίως ἀλλὰ τῷ μὲν πρώτῳ τοῖς δ' ἐπομένως, οὕτω καὶ τὸ τί ἐστιν ἀπλῶς μὲν τῇ οὐσίᾳ πῶς δὲ τοῖς ἄλλοις.

A glance at *De An.* 414^a makes it clear that it is this 'definitional' (or 'logical', in Hicks' translation) sense of priority that is, *prima facie* at least, the one in question. The phrase *διχῶς λέγεται* is very significant in this regard, particularly when it is 'unpacked' into its constituent senses in the phrases beginning *τὸ μὲν ... τὸ δὲ*. Any doubts seem finally removed by the appearance of the adverb *πρώτως*. So the argument was presumably meant to run: 'As knowledge is (definitionally) prior to soul, and as health is (definitionally) prior to body or bodily part, so soul is (definitionally) prior (*πρώτως*) to body.' And, since the object of any definition is form, soul will be *ipso facto* a form — a conclusion that Aristotle adopts here.

But would this argument have been valid? We have seen evidence already that for Aristotle 'definitional' priority and paronymy can be closely linked. And in the *De An.* passage under discussion this appears to be precisely the case, at any rate in the opening examples. *ὕγεια* (paronymous with *ὕγιαίνειν*) is definitionally prior to the body or bodily part, and in the same way *ἐπιστήμη* (paronymous with *ἐπίστασθαι*) is definitionally prior to soul. The conclusion seems clear: if that whereby *ὕγιαίνομεν* is (in the primary sense) *ὕγεια*, and that whereby *ἐπιστάμεθα* is (in the primary sense) *ἐπιστήμη*, that whereby we *ζῶμεν καὶ αἰσθανόμεθα (καὶ διανοούμεθα)* will be (in the primary sense) *ζωὴ καὶ αἴσθησις (καὶ διάνοια)*! So that soul, far from being primary, will be *secondary* (as it was, of course, in the case of *ἐπιστήμη* above), and will be *matter* for the form that is *ζωή, αἴσθησις* (and *διάνοια*).

Given Aristotle's views on matter and form as purely relational factors, this conclusion need not as such have troubled him. After all, the earlier description of soul as *πρώτη ἐντελέχεια* treats of soul as matter for the form that is (*δευτέρα*) *ἐντελέχεια* or 'functioning soul', and even in one of his two present examples soul is unequivocally taken to be *matter* for *ἐπιστήμη*. But Aristotle shied away from this conclusion, perhaps because he feared a charge of self-contradiction in calling soul 'secondary' so soon after defining it as *πρώτη ἐντελέχεια*. However, in introducing the adverb *πρώτως* in what seems an ontological, rather than a logical sense he only made matters worse. For now the whole phrase is a complete *non sequitur*; the case of soul is no longer definitionally parallel to the introductory examples of health and knowledge, and offers no contrast whatever to what purports (syntactically) to be its antithesis (*ἡ μὲν ἐπιστήμη ... μορφή καὶ εἰδός τι*).

Moerbeke seems not to have noticed the logical embarrassments embedded in Aristotle's text. Given this translation to work from, Aquinas offers an interpretation

which ironically reflects the ambiguities of the original without suggesting that he was in any way aware of them. For Aristotle, if our interpretation of him is correct, almost certainly *did* want to suggest (as Aquinas makes him suggest) that knowledge: soul = health: body = soul: body = form: matter.

His examples, however, were inexorably pushing him towards saying knowledge: soul = health: body = *life (or sensation)*: soul = form: matter.

As we saw above, such a conclusion would in fact have squared perfectly with the earlier definition of soul as *πρώτη ἐντελέχεια*, but as far as Aristotle was concerned it would not have stressed the *formality* of soul that the whole context demanded.

Hence the suicidal adverb *πρώτως* (rather than, say, *δευτέρως*, or *ἐπομένως*). This certainly has the merit of suggesting the earlier phrase *πρώτη ἐντελέχεια*, but it has the disadvantage of being the ruination of the entire argument preceding it.

In a word, what Moerbeke (followed by Aquinas) has clearly seen is that Aristotle wanted to show, by examples, that soul was related to body as form to matter. What he apparently failed to see (and Aquinas certainly) is that the examples tended in the very opposite direction; that Aristotle attempted to solve the problem with a last-minute emergency-operation; and that he finished up with a methodological and syntactical anacoluthon. The result is that Aquinas reproduces as valid a piece of reasoning that Aristotle himself would, by careful reference to his own logical and metaphysical principles, have been compelled to reject as that commonest of all fallacies, the deductive syllogism with an ambiguous middle term.

One might conclude with a note on Averroes' analysis of the passage in the *Commentarium Magnum*.⁴ Explaining that health and knowledge are 'actiones agentis', and so related to what 'receives' them as form to matter, he continues:

- cum declaravit quod omnis actio attributa alicui enti
 50 propter aliqua duo, necesse est ut alterum eorum sit
 materia et alterum forma, et fuerit manifestum quod propter
 formam attribuitur actio enti primitus, et quod
 actiones animati videntur attribui corpori et anime,
 sed primo anime et secundo corpori, manifeste concluditur ex
 55 hoc quod anima est forma et corpus materia.⁵

The phrase 'et quod... corpori' makes it clear that Averroes, like Aquinas, is interpreting Aristotle in the way the Stagirite would have liked: i.e. knowledge: soul = health: body = soul: body = form: matter.

In doing this, however, he, too, has apparently failed to notice that the analogy is effected by switching from a definitional to an ontological sense of *πρώτως* and by riding rough-shod over the clear implications of the introductory examples of *ἐπιστήμη* and *γίγναι*. His final syllogism, for example, is as follows:

- Et sillogismus sic componitur: Actiones animati attribuuntur corpori et
 60 anime insimul; et omnis actio que attribuitur alicui enti propter
 aliqua duo, necesse est ut unum eorum sit materia et aliud forma; ergo
 alterum istorum duorum, scilicet corporis et anime, est forma, et alterum
 materia.⁶

⁴ *Averrois Cordubensis Commentarium Magnum in Aristotelis De Anima Libros*, ed. F. S. Crawford (Cambridge, Mass., 1953).

⁵ *Op. cit.*, pp. 164-5 (= ll. 49-55).

⁶ *Ibid.*, p. 165 (= ll. 59-64).

As such, the syllogism is an accurate reproduction of standard Aristotelian doctrine. But it does not answer the question that Aristotle originally asks himself; i.e. what, definitionally, is the prior sense of the phrase *τοῦτο ὃ ζῶμεν καὶ αἰσθανόμεθα*? It answers the ontological question, 'In the *σύνθετον* that is man, which of his two fundamental constituent factors is (ontologically) prior?' and concludes, unimpeachably, 'soul.' What it apparently fails to notice is that the same 'soul' would be definitionally *secondary* to 'life, sensation and thought.'

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A CASE FOR *DUK MORAUD* AS A PLAY OF THE MIRACLES OF THE VIRGIN

CONSTANCE B. HEATT

The fragment of a fourteenth century play known as *Duk Moraud*¹ has been an object of scholarly interest because of the primarily "secular" nature of the plot of this very early play, which seems to look forward to the sensational plots of many Elizabethan plays — Marlowe's *Edward II* and *Cymbeline*, for example. It has, however, long been recognized that it is probably not a "secular" play in the later sense at all, but a miracle play, as Wilhelm Heuser suggested when he first printed the fragment.² Hardin Craig's statement on this subject is typical: "It is possible that *Dux Moraud* is the fragment of a miracle play."³ If, however, it could be shown that this fragment is not just "possibly" a miracle play, but one beyond a reasonable doubt (to borrow the legal phrase), and, furthermore, a miracle of the Virgin, not a saint's play — then it should be viewed with even greater interest, as representing the one and only example of that particular dramatic genre in England.

Arnold Williams, although viewing *Duk Moraud* as probably representing a pattern of redemption through "devotion to a saint or the Virgin,"⁴ does not take it into account in his general pronouncement on the subject of English miracle plays: "Salvation through the intercession of the Virgin is common enough in another dramatic form, the Miracle of Our Lady, which, though popular in France and the low countries, is unrepresented in the extant corpus of English medieval drama" (p.144). Similarly, Beverly Boyd does not mention it in her *Middle English Miracles of the Virgin*.⁵ However, a review of the analogues to this play, of the literature of the miracles of the Virgin in general, and of the extant Continental plays of this genre in particular, may help lead to the conclusion that *Duk Moraud* does indeed belong to this category.

It has been generally accepted, ever since Heuser pointed out its apparent pattern, that it represents part of a version of the tale known as "The Incestuous Daughter." In all the known versions of this tale, a father commits incest with his daughter. The daughter murders the issue of this incestuous union (ranging from one to three babies, depending on the version), as well as her mother, who has found out the truth. When her father repents and reproaches her, she kills him as well. However,

¹ To give the title as it appears in the most accessible printed version, that of J. Q. Adams, ed., *Chief Pre-Shakespearean Dramas* (Cambridge, Mass., 1924), 207-211.

² "Dux Moraud, Einzelrolle aus einem verlorenen Drama des 14. Jahrhunderts," *Anglia*, 30 (1907), 180.

³ *English Religious Drama of the Middle Ages* (Oxford, 1955), 81; cf., e.g., R. M. Wilson, *The Lost Literature of Medieval England* (London, 1952), 239: "although frequently quoted as the earliest example of secular drama, [it] is much more likely to have been a miracle play."

⁴ *The Drama of Medieval England* (Ann Arbor, 1961), 167.

⁵ San Marino, Calif., 1964.

in time she repents and is saved. Since the fragment we have of *Duk Moraud* consists of only the speeches of the father, it naturally ends with his death. His last words pray that his daughter be pardoned for the "trespass" she has done to him, and that she may cease the sin she has "freely" committed. This sin must be that of murder, for she will scarcely have any further opportunity to engage in the original sin of incest. She would seem to have killed him by striking him on the head: "I am smetyn in the fas/ With carful strokes and rownde," he complains (ll. 256-257).

This can hardly be the end of the play, for it would leave the murderess triumphant in her wickedness.⁶ The play must have continued to show the daughter's further career, which, in all the analogues, terminates in her repentance and miraculous redemption. In some of the analogues noted by Heuser, the moral seems to be simply that it is never too late to repent; however, in others the intercession of Our Lady saves the repentant sinner.

For example, the story as found in the English *Gesta Romanorum*⁷ is as follows: a father seduces his daughter; her mother, discovering the daughter's pregnancy and its cause, denounces her bitterly. As soon as the child is born, the daughter strangles it and buries the body; when the father learns this he is horrified. He is even more horrified when she subsequently kills her own mother, in order to stop her recriminations. The father's lamentations irritate the murderess further, so she murders him in his bed with an axe (which may throw some light on the methods of *Duk Moraud*'s daughter). She then goes to the city, where, after a career as a prostitute, she eventually happens to go into a church and hears a sermon which drives her to repentance. The priest to whom she confesses advises her to pray to Our Lady, which she does — with such heartfelt vigour that she drops dead on the spot. However, the priest hears a voice from heaven informing him that she has been saved, through the mercy of the Virgin.

This story is not an exact parallel to the evident sequence of events in *Duk Moraud*, in that the mother is killed after the baby, rather than before, and that the father is a horrified witness-after-the-fact rather than an accomplice in the two earlier murders. However, this is from a manuscript of considerably later date than the play fragment, as are all the other extant versions of this tale, and there is no reason to suppose that any one of them accurately represents the immediate source of the play. That the most widespread version was likely to have been one in which the intercession of the Virgin brought about the daughter's redemption may be suggested, however, by the fact that this is a feature of those analogues nearest in date to the play, and by many parallel situations detailed in the *Gesta Romanorum* and elsewhere. For example, in the best known Latin edition of the *Gesta*,⁸ Tale XIII is a similar mixture of incest and murder: a widowed queen enters into an incestuous relationship with her son, and gives birth to a child, the throat of which she cuts. The blood of the murdered infant, however, makes an indelible stain

⁶ It seems odd that anyone could assume this, as does, e.g., Adams, in his note to the last line: "The end of the fragment, and apparently the end of the play."

⁷ *The Early English Versions of the Gesta Romanorum*, ed. Sidney J. H. Herrtage, E.E.T.S. E.S. 33 (Oxford, 1879), 390-392, "Of a Repentant Harlot."

⁸ Trans. Charles Swan, rev. Wynnard Hooper (New York, 1959).

on her hand. Terrified by this evidence of her sin, she devotes herself to the service of the Virgin, through whose intercession she is ultimately saved.⁹

Similar tales are common among the collections of miracles of the Virgin in Middle English. Among those summarized in Professor Boyd's book are "The Woman Who Swallowed a Spider," a bizarre case of attempted suicide in remorse over incest with a brother (p. 129), and "The Woman Who Committed Incest," in which the Devil is routed by the Virgin at a trial for incest.¹⁰ Aside from these specifically incestuous cases, Miss Boyd's compilation notes case after case of abandoned sinners miraculously saved through the intervention of the Virgin: prostitutes and thieves,¹¹ evildoers from all walks of life whose only virtue was to pray to Our Lady,¹² and especially errant nuns and priests;¹³ one tale in the latter category which occurs in several sources is "How an Abbess Was Delivered," in which a repentant abbess, threatened with exposure and punishment, is delivered of her child by Our Lady herself.¹⁴

The story of the pregnant abbess is one of a number of the miracles of the Virgin found in England in non-dramatic form which turn up as full-fledged dramas in the fourteenth century French *Miracles de Notre Dame*,¹⁵ in most of which the Virgin rescues a notable sinner.¹⁶ Two of these plays concern attempted incest.¹⁷ A

⁹ Pp. 26-28. The story is found in Vincent of Beauvais, *Spec. Hist.*, 7, 93. There appears to be a remnant of it in the tale of "How a Woman's Hand was Cleared from the Stains of Blood" (Herrtage, p. 393), but in his much abbreviated version we are not told the nature of the sin, not does the Virgin intervene.

¹⁰ P. 126; perhaps the "Argument Between the Virgin and the Devil" in the *Gesta Romanorum* (Herrtage, 422-23) is derived from this tale.

¹¹ E.g., "The Harlot's Prayer," 114, "The Thief Saved From the Gallows," 136.

¹² E.g., "The Drowned Sacristan," 114-115.

¹³ E.g., "The Priest Who Sinned with a Nun," 114.

¹⁴ P. 110, from the *North English Homily Collection*; 125, *B.M. Addit.* 39,996; p. 4114, *An Alphabet of Tales*.

¹⁵ Ed. G. Paris and U. Robert (Paris, 1875-93), 1, 57-100, "L'Abesse Délivrée"; summarized in Louis Petit de Julleville, *Les Mystères* (Paris, 1880; reprinted, Geneva, 1968), 1, 171-174.

¹⁶ Grace Frank (*The Medieval French Drama* [Oxford, 1960], 114), states that in all but one (the *Nativité*, play V) of the forty *Miracles de Notre Dame* "a grievous sinner is rescued by the Virgin Mary." However, this does not seem to be the case in about a third of the plays. Several of them involve the vindication of an accused innocent and the confounding (rather than the redemption) of the guilty; e.g., 3, "L'Évêque Meutrix" (a murderer is exposed and damned); 6, "Saint Jean Chrysostome et sa Mère" (an innocent is falsely accused twice, but both times he is miraculously vindicated by Our Lady); 12, "La Marquise de la Gaudine," 31, "Berthe, Femme du Roi Pepin," 27, "L'Impératrice de Rome," and 32, "Le Roi Thierry et Osanne sa Femme," are all "accused queen" stories. Some others are more properly saints' plays, in which the Virgin plays a minimal role, if any; 22 and 24, "Saint Pantaléon" and "Saint Ignace," are martyr stories, and 40, "Saint Alexis," is a story of saintliness rather than sin.

¹⁷ XXXIX, "La Fille du Roi de Hongrie" (Paris and Roberts, V, 1-88) and XXXVII, "La Fille du Roi Habillée en Chevalier," (*Ibid.*, VII, 1-117) both summarized in Petit de Julleville, II, 300-303 and 322-326. The first is in many details similar to XXVII, "L'Impératrice de Rome," like which it is an analogue to Chaucer's *Man of Law's Tale*, and belongs to a group widely represented in England; see, e.g., "The Empress of Rome" in Boyd, 64-67 (and cf. 126-127, 142), and in the *Gesta Romanorum*, in "Merelaus the Emperour" (Herrtage, 311-319); cf. Swan and Hooper, LII-LX, and Vincent of Beauvais, *Spec. Theol.*, 8, 90-91.

number concern repentant murderers, such as "saint Jean le Paulu, ermite, qui par tentation d'ennemi, occit la fille du roi, et la jeta en un puits".¹⁸ Jean, who has seduced and murdered the princess at the instigation of a diabolic servant, repents and prays to the Virgin; he is eventually granted miraculous powers and is made a bishop, after the victim is resuscitated and reunited with her royal father.

Appropos of this lurid tale, Petit de Julleville remarks, rather unsympathetically, "Les personnages de ce théâtre se décident au crime avec une incroyable facilité" (I, 178). However, murder and mayhem appear to be the essence of such plays, the point being that Our Lady can rescue even the worst of sinners; the theory is clearly that the worse the sinner, the more edifying (and comforting) the drama.¹⁹ Further instances include "La Femme que Notre Dame Garda d'Etre Brulée,"²⁰ in which a woman, fearing gossip (although there are no substantive grounds for such calumny) murders her son-in-law. The Virgin answers her prayers and preserves her from being burned alive. The redeemed murderess becomes a saint and enters a convent.

Even more sanguinary is the plot of "La Femme du Roi de Portugal".²¹ In this play the king, impatient to consummate his forthcoming marriage, persuades his bride-to-be to give him a key to her chamber, but his seneschal, wishing to prevent the match, persuades him not to keep the assignation; the king hands over the key to the seneschal, who then enters the girl's bed in the night. When the lady discovers, too late, whom she has received as lover, she summons her cousin (whose name is Agnes) for a consultation while the seneschal sleeps. They murder the seneschal and dispose of the body. When the wedding night arrives, the bride, fearing that her husband will find she is not a virgin, persuades cousin Agnes to take her place temporarily in the bridal bed. But when she returns, Agnes refuses to leave her place beside the sleeping king. The bride then binds and gags her cousin, sets fire to the chamber, and rescues the king — leaving Agnes to burn. Years later the murderess repents, confesses, and is sentenced to be burned; but Our Lady answers her prayers, with the result not only that she is reconciled with her husband (who begs her pardon) but also that the chaplain who had recommended the sentence is himself burned alive. Both the king and the queen renounce the kingdom and found an abbey in honour of the Virgin.

This play has many analogues including one in the *Gesta Romanorum*, "Of the Penitence of a Woman who had Committed Three Murders";²² in this version the unexpected lover is a rival to the king, rather than a seneschal — unconvincing as it may seem that the fiancé would hand over a key to the lady's room to his unsuccessful rival. The accomplice is not a cousin but a "Ribalde," who is murdered on the spot for his pains. This, of course, necessitates the use of another character, "oon of here maydyns," to act as the substitute bride; thus the toll of murders rises to three. The role of the confessor is more sinister, in that he demands the lady's favours as a return for his silence. The ending, however, seems much abbreviated: we do not even hear that the wicked priest is punished, though clearly

¹⁸ Paris and Robert, 5, 89-151; cf. Petit de Julleville, 1, 177-179, and 2, 303-305.

¹⁹ Petit de Julleville comments with considerable exasperation on this aspect, remarking that the Virgin thus becomes an obstacle to God's justice; see, e.g., I, 127-128.

²⁰ Paris and Robert, 4, 175-235; cf. Petit de Julleville, 1, 158-163 and 2, 291-293.

²¹ *Ibid.*, 1, 136-139, 2, 235-236; Paris and Robert, 1, 147-202.

²² Herrtage, 394-396.

he deserves it more than his counterpart in the play, who is executed for simply demanding justice.

A much earlier analogue is found in a 10th century Irish text cited by Helaine Newstead as a parallel to the situation of Brangane in the Tristan story.²³ In this version, a princess accidentally smothers her secret lover while endeavouring to conceal him from her father. A churl helps her dispose of the remains; she then kills the churl. A maid is substituted for the lady on her wedding night, and when the princess sets fire to the room she drowns the maid under the pretext of putting out the fire. The priest to whom she later confesses demands her sexual favours in return for secrecy; spurned, he betrays her to her husband. Her punishment is to be left locked up in a hut by a cross-roads, where she prays to the Virgin. Eventually she ascends to heaven; the cross-road becomes a shrine to the Virgin. It is worth noting that the basic outline of the story remains the same, whether we look at an early or late version, however some of the details way differ; the same seems to hold true of the tale of "The Incestuous Daughter," among others.

Without citing more examples, though there are many, it would seem fair enough to conclude that sensational stories of spectacular sinners — many of them paralleling, in one way or another, the case of Duk Moraud's daughter — are common matters in the plays of the miracles of the Virgin in France, and, furthermore, that many of these same stories are found in collections known in England, such as the *Gesta Romanorum* and the *North English Homily Collection*. It may also be noted that a good many of the basic plots found in both English examples and in French drama are of widespread currency in the middle ages, typically associated with the Virgin. If such stories as found their way into the drama in France were also known in England — and they obviously were —²⁴ it is reasonable to suspect that some of them, or some like them, may well have been the subjects of English plays. That nothing of the sort survives (except, putatively, *Duk Moraud*) is not very surprising when we consider that although dozens of saints' plays are known to have existed in England at one time, only a handful have survived.

That *Duk Moraud* shows a strong kinship to the kind of stories used in France for plays of the miracles of the Virgin does not, in itself, constitute proof that it is such a play, if the possibility remains that it could equally well be any other kind of play. It is also to the point to consider whether it conforms to any other observable characteristics peculiar to the "miracles of the Virgin" genre, if such exist. These two questions are hard to disentangle, but I shall start with the first.

As far as can be seen in an examination of the extant plays of "saints' miracles," as against miracles of the Virgin, the former are characterized by concentration on the miracles performed by the saints in their own lifetimes. Some French

²³ "The Growth of the Tristan Legend," in *Arthurian Literature in the Middle Ages*, ed. Roger Sherman Loomis (Oxford, 1959), 130. (The situation of Isolt and Brangane is, of course, only a partial parallel to the case with which we are concerned here).

²⁴ English art as well as literature testifies to this. For example, the walls of the Lady Chapel of Winchester Cathedral are covered with a remarkable, if somewhat crude, series of pictures of just such miracles of the Virgin. 18th century engravings of a few of these are reproduced in Professor Boyd's book, but they are inevitably much more refined than the originals, and cannot convey the effect of the chapel walls completely covered with these pictures, which is a compelling reminder that the popular aspects of the cult of the Virgin flourished just as much in England as on the continent.

examples go on to detail miracles brought about by veneration of relics and the like, but the central character remains the saint himself rather than the sinners he (or she) aids.²⁵ Further, the typically sinful objects of the miraculous saving powers of the Virgin (thieves, prostitutes, murderers, etc.) are not so strongly represented in the saints' plays, where the beneficiaries are more likely to be unfortunates — the handicapped and oppressed; where grievous sinners appear, it is generally to be converted, rather than rescued, by the miracles of the saint.²⁶

Thus it would appear that the subject matter of *Duk Moraud* is exactly that of most extant plays of the Miracles of the Virgin (i.e. the miraculous redemption of an apparently hopeless sinner), and not at all like that of the typical saints' play, which centres mainly on the saint himself (his trials and martyrdom), with the conversion of the unrighteous as an incidental feature — which can hardly be the case with *Duk Moraud*, unless we totally disregard the evidence of the analogues. In any case, there does not appear to be any extant saint's play which suggests the saint's ability to reclaim so abandoned a sinner as *Duk Moraud*'s daughter, outside of the plays of the miracles of the Virgin. This would seem logical enough, considering that Mary, alone among the saints, has been traditionally considered to be "salus infirmorum, refugium peccatorum."

It still remains to be asked whether there is any criterion other than plot (specifically, a plot centering on a sinner of a sensational nature who is obviously lost unless he or she invokes the last help of sinners, Our Lady) which is likely to distinguish the plays of this particular type from other medieval plays. Here again we must, perforce, look to the French drama for our source of information, since so little survives to guide us elsewhere. But if we do so, we may note that there appears to be at least one more earmark of the "miracles de Notre Dame": the sermon. Petit de Julleville states that "la plupart (vingt-sept sur quarante) sont accompagnés d'un court sermon, en prose (sauf un seul qui est en vers), sermon tantôt placé devant la pièce, tantôt intercalé dans la pièce même... Le dernier mot de chaque sermon rime toujours avec le premier vers du dialogue qui le suit" (I, 123-124).

That the sermon was also an expected feature of plays of the miracles of the Virgin outside France is suggested by a crucial scene in the Dutch *Mariken van Nieumeghen*.²⁷ The heroine has been seduced by the Devil, who wins her with the promise of a reward of dubious appeal to later maidens, an education in rhetoric. After living with him for seven years, but never forgetting to maintain her secret devotion to the Virgin, she comes upon a performance of a miracle play, which she insists on attending, much to the disgust of her diabolical lover. This performance is, she says, "beter dan een sermoen" (I. 816, p. 313). It has the requisite effect on her, and she is redeemed, reforms, and dies in sanctity.

²⁵ All of the extant English plays deal with the lives of the saints themselves. For an indication of the ways in which relics, etc., enter into some later French plays, see Frank, Ch. XVIII; but note that the plays here treated are all from the 15th and 16th centuries, and that in earlier plays of saints the emphasis was, as Professor Frank says (p. 152), on "the lives and martyrdoms of the saints rather than upon their miracles."

²⁶ For example, the 12th century *Ludus Super Iconia Sancti Nicolai* (in Adams, 55-58), in which thieves are converted by the saint's miracle, and the *Miracles de Ste. Geneviève*, in which, aside from healing the lame and the halt, etc., the saint induces penitence in a defensive unchaste nun; see Frank, 145 and 152, and Petit de Julleville, 2, 515-520.

²⁷ *Middelnederlandsche Dramatische Poëzie*, Ed. P. Leendertz, Jr. (Leiden, 1907), 277-328.

Here again *Duk Moraud* seems to fit the pattern. If we are to judge by the analogues, as of course we must, since the fragment contains only the father's lines,²⁸ then the play must have ended with the daughter's repentance after she has heard a sermon. It might also be suspected that there is a natural place for still another sermon in the surviving fragment, between lines 177-182. Up to l. 176, *Duk Moraud* shows no sign whatever of penitence; in fact, he is still bragging in an astoundingly Herod-like fashion in the lines immediately preceding:

I am mythful and mery, markynd in mynd !
 I am flour fayrest be fryt for to fare !
 I am fayrest in fas ferly to fynd !
 I am loueliche in lond, lyttest in lare !

— and so forth. But at line 177, he says:

A ! now I here
 A bell ryngant ful nere
 Yendyr in the kyrk.
 Thether I wyl fare,
 For I am in gret care,
 There sum god ded to work.

He has not suggested that he is in any particular "care" before this, and it seems likely he goes off to church in a state of blind complacency. But the next we hear, he is saying,

A synful kaytyf I am !
 Synfully I aue wrowt blam
 Be gret tyme of my lyfe.

He must have been listening to a sermon; and it seems likely enough that the playwright would not deprive his audience of the benefits of that sermon.

The evidence, then, that *Duk Moraud* represents a fragment of a Middle English drama of the miracles of the Virgin rests on two conclusions, neither of which is open to very much doubt. One is that such plays are the only type of medieval drama in which we find the action centering on sensational sinners (other than such well-known saints as Mary Magdalene), and in which we find that the sinner's redemption generally starts with his attention to a sermon. The other is that *Duk Moraud* is clearly a version of the "Tale of the Adulterous Daughter," in which a daughter murders both her parents and the child which is the result of her incest, and later repents, after hearing a sermon. It thus seems more than probable that *Duk Moraud* is indeed our one surviving drama of this type in England.

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²⁸ Indeed, there seems little reason to doubt that the version here would have differed from the analogues, as has been suggested above.

ON IDENTIFYING THE *POPELICAN(T)*

THOMAS E. VESCE

The student of Old French literature who would like to ascertain the meaning of the term *Poplican(t)* must be prepared to embark upon a rather arduous journey when consulting the standard references.

In his register of geographical and ethnic names, Flutre gives the entry: "Popelican(t), peuple païen (proprement: Les Publicains, pris pour un peuple), BLANC. 4205; [Gautier d'Arras'] ERACLE, 5260; GRAAL PR. 37, 30; 93, 23, var. *Publican*; Rig." (L.-F. Flutre, *Table des noms propres dans les romans du moyen âge* (Poitiers, 1962), 287. It would seem that this gloss is an expansion of the one previously offered by Ernest Langlois: "Popelican, popeliquant (les). Peuple païen. MA [LA MORT AYMERI DE NARBONNE], 2714; OG [Raimbert de Paris] LA CHEVALERIE OGIER DE DANEMARCHE], 795, 2313; ANT [LA CHANSON D'ANTIOCHE] I, 164, 196, 229, II, 139; J [LA CONQUÊTE DE JÉRUSALEM], 8207." (Ernest Langlois, *Table des noms propres de toute nature compris dans les chansons de gestes imprimées* (Paris, 1904), 535. Again, Flutre's entry perhaps reflects the suggestion made in the Foerster-Breuer edition of LES MERVEILLES DE RIGOMER that the *Popelican* (v. 13690) refers to the *publicani*, the taxfarmers of Ancient Rome (RIGOMER: II, 240).

Godefroy indicates other important texts in which the term, or a variant of it, is to be found: Raoul de Houdenc's SONGE D'ENFER; LE SALUT DE L'ENFER; CHEVALIER AU CYGNE (*popeliquant*); Guillaume de Tyr's L'ESTOIRE DE ERACLES (*popelican*); Huon de Méry's TORNOIEMENT DE L'ANTE-CHRIST (*publican*), (Godefroy, *Dictionnaire*, VI, 277 c).

To this list, Grandsaignes d'Hauterive added the 13th century ROMAN DE RENART in the 1947 Larousse (*Dictionnaire d'ancien français*, p. 473 b). The 1969 Larousse, edited by A. J. Greimas, has the entry *popelican*, *poplican* and indicates the word may be found in [LI SERMON] SAINT BERNART, 1190 (*Dictionnaire de l'ancien français jusqu'au milieu du XIV^e s.*, p. 502). Both editions of this dictionary associate the word with, "Publicain; hérétique, terme d'injure," faithfully continuing perhaps the counsel of Emile Littré who in his gloss for *publicain* (tax-collector) stated: "L'ancienne langue en avait fait un terme d'injure sous la forme de poplican." (*Dictionnaire de la langue française*, VI, 593).

Dauzat dates *publicain* (< *publicanus*) from the 12th century (*Dictionnaire étymologique*, p. 596 a), as do Bloch & von Wartburg (*Dictionnaire étymologique*, p. 519 a), who agree that its Latin parent bore the meaning of tax-farmer, but that the term was used in the Middle Ages only in religious texts.

Where specifically used with the meaning of *publicain* or *public*, Godefroy gives other references under the heading *popelican*, yet his information would seem to indicate that the term was more widely applied to, "hérétique, manichéen," groups. When glossing *publicanus*, R. E. Latham makes reference to the chronicle of Florence of Worcester (ca. 1118), as well as the ecclesiastical history of Orderic Vitalis (ca. 1142), and suggests: "Paulician heretic (?)," (*Revised medieval Latin word-list from British & Irish sources* (London, 1965) 381 a).

Also, the student who reads Joan Evans' perceptive *Life in medieval France* (London, 1957) will find a quote from the BESANT DE DIEU:

Quant Franceis vont sor Tolosans
Qu'il tienent a popelicans...

The translation offered at the foot of the page (p. 71) reads: "When men of France attack the men of Toulouse whom they consider heretics..."

This gap between *publicanus* (tax-collector) and *popelican* (Christian heretic) is deftly bridged by Stephen Runciman when he quotes from the *DE SEPTEM DONIS* of Stephen of Bellavilla (or de Borbone): "Poplicani, Publicani, Populicani: Gallice etiam dicuntur ab aliquis Popelican." (*The medieval Manichee*, [Cambridge, 1947] 185).

More complete information for the identification of these heretics and the names applied to them is provided by Charles Du Plessis D'Argentré's *COLLECTIO JUDICIORUM DE NOVIS ERRORIBUS*, volume one: "Temporibus Ludovici Regis Franciae, qui genuit Regem Philippum, cum error quorundam haereticorum, qui vulgo appellantur Publicani, per plures Galliae Provincias prosperaret..." (p. 59); "Willelmus Brito Armoricus, Philipp. lib. I. Augusti Philippi zelum adversus Popelicanos in suo carmine describit: ... Qui bona conjugii reprobant, qui carnibus uti, / Esse nefas dicunt, aliasque superstitiones / Inducunt, breviter quas tangit epistola / Pauli; / Omnes qui fidei saperent contraria nostrae, / Quos Popelicanos vulgari nomine dicunt." (p. 60); "Monachus Altissiodorensis in Chronologia..., circa annum 1181. sic narrat. [Illorum, quos Publicanos, vel Catharos, vel Patherinos, Populicanos vocant, haeresis execranda, quae Christi abnegat Sacramenta, per id tempus clam quidem pluribus in locis irreperat; sed palam in Gasconia maxime populos occuparat. ...]" (p. 61).

Progressing further through this invaluable source, the many names used in different localities for these seemingly large communities of heretics are set forth by Stephen of Bellavilla in the listing of the principle tenets of their dogma (p. 108). Perhaps the best modern study on the origin and development of their beliefs is the one recently published by Nina G. Garsoian (*The Paulician heresy* [Paris, 1967]).

In reviewing a primitive draft of this note, H. & R. Kahane observed that some early references to these people from Asia Minor may be found in the *ANONYMI GESTA FRANCORUM* where they are described as the Paulician allies of the Moslems. Ros. Hill's edition (London, 1962) shows the terms *Publicanorum* and *Publicanos* (pp. 20, 26, 49, 83).

Of course, Villehardouin describes other Paulicians, citizens of Philippopolis, as allies of the Christian knight Renier de Trit who was able to seize control of their city because of their help. In his edition, Edmond Faral defines these *popelicans*, as a, "Colonie de manichéens, de la secte des Pauliciens, qui avait été déportée à Philippopolis per l'empereur Jean Zimiscès." (Villehardouin: *LA CONQUÊTE DE CONSTANTINOPLE* [Paris, 1939], II, 211).

Philippopolis was founded in 340 B. C. by Philip of Macdeonia. During the 9th and 10th centuries, the city was one of the more important military strongholds of the Paulician sect, but in 1091, with the help of Polovtsy mercenaries, the Byzantine Emperor Alexius I Comnenus put an end to their hegemony in the district. The turbulence visited by the Crusades upon Asia Minor also helped scatter these people, and in Western Europe historians came to know them by the name of one of their splinter-groups, the Bogomiles (Cf. Jean Guitton, *Great heresies and Church Councils* [New York, 1965] 125).

Today, Philippopolis is known as Plovdiv and is the second largest city in Bulgaria where, also, some twenty-thousand people still adhere to the Paulician doctrine (*Grand Larousse*, VIII, 246 b).

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